

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Joe Lathrop	1205 York Rd
Ken Mangione	1205 York Rd
Steve Cook	The Plaque Shop
Ed Hinkle / Jan Thayer	D.M.U.

Reconsideration 94-466SPH

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Patricia Proulx	221 Meadowdale Rd. 21093
Michael Toppa	101 York Rd. Baltimore, MD 21094

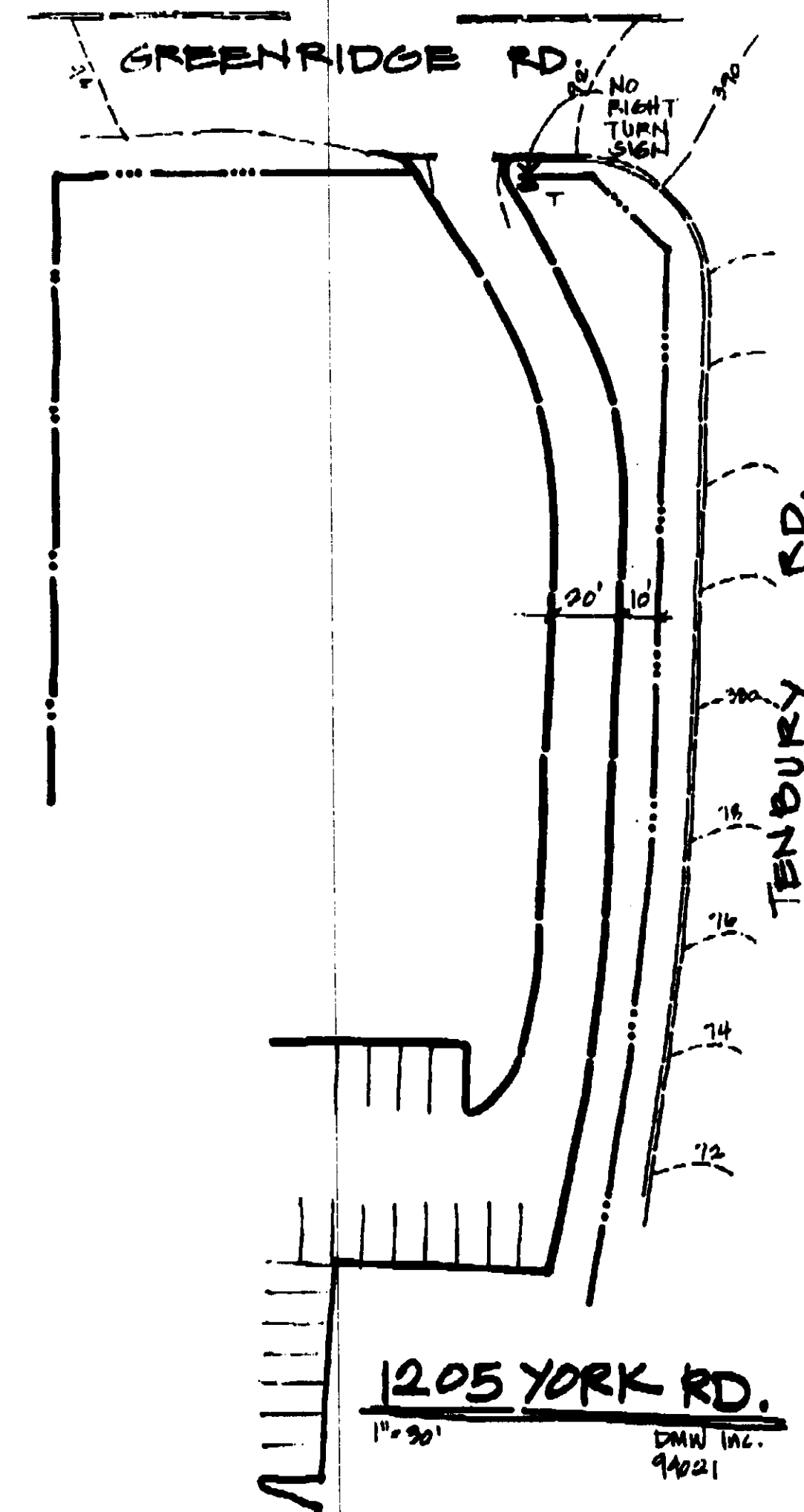
Meeting July 18, 1994

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
HENRY BETZ	221 MEADOWDALE RD. 21093
JOHN R Mc DONNELL	1209 LONGFORD RD 21093
Margaret C Mc Donnell	1209 Longford Rd. 21093
Cheryl Malone	201 E. Seminary Ave. 21093
Megan Strott	24 Greenridge Rd. 21093
Leland Strott	" " " "

74-466SPH



Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

October 11, 1994

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue, Suite 113
Towson, MD 21204

Re: Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Dear Commissioner Schmidt:

I have a Master's Hearing the morning of October 25, 1994 in the matter of Roe v. Roe, and Ms. Poniatowski has a teaching assignment that afternoon which precludes her attendance.

We would request that this matter be postponed to another date and time.

Further, could you advise if a new plat has been filed by Petitioners which meets the Zoning Commissioner's rules. If so, may we pick up a copy?

Very truly yours,

Michael P. Tanczyn

MPT/ed

cc: Joseph C. LaVerghetta, Esq.
Dulaney Valley Improvement Association

JOSEPH C. LAVERGHETTA, CHARTERED
ATTORNEY AT LAW
1205 YORK, SUITE 39C
LUTHERVILLE, MD 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

September 1, 1994

Zoning Commissioner for Baltimore County
Washington Avenue, Suite 113
Towson, Maryland 21204

ATTENTION: Lawrence E. Schmidt

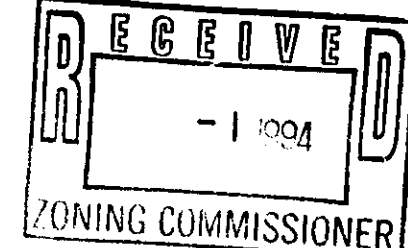
Re: Case No.: 94-466-SPH
Nicholas B. Mangione, et al
Petitioners

Dear Mr. Schmidt:

I have enclosed for your consideration a revision to the plan submitted in the above referenced case hearing. The purpose of this revised plan is to create a traffic isle accessing Greenridge Road from parcel D of 1205 York Road that achieves compliance with your Order of August 10th, 1994. The specific area of compliance is the creation of an exit on to Greenridge Road that will prohibit right turns (east bound) on to Greenridge Road, and yet will have an entrance apron allowing right turns into 1205, and if possible, left turns into 1205.

My client has had Daft McCune Walker Inc., and Ed Haile review this matter. As a result the attached revision is their recommendation. It is believed that this location will also involve minimal amount of ground disturbance, and allow the owners to commence implementing final landscaping along the west side of Tenbury Road.

It is also requested that you revise your order to make it clear that egress is permitted from Greenridge Road. I believe it is your intent that egress be permitted, however I would like to avoid any confusion with regard to this issue.



Zoning Commissioner for Baltimore County
September 1, 1994
Page 2

Lastly, I have enclosed an Order to Stay the time to file an appeal until further order of the Commissioner. I trust this is appropriate as I did not want to place an undue burden on your schedule in reviewing this request. Thank you for your consideration.

Very truly yours,

Joseph C. LaVerghetta

JCL/dmh

ENCLOSURE

cc: Lou Mangione
Mike Tanczyn

JOSEPH C. LAVERGHETTA, CHARTERED
ATTORNEY AT LAW
1205 YORK, SUITE 39C
LUTHERVILLE, MD 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

September 15, 1994

Zoning Commissioner for Baltimore County
Washington Avenue, Suite 113
Towson, Maryland 21204

ATTENTION: Lawrence E. Schmidt

Re: Petition for Special Hearing
Case No.: 94-466-SPH
Nicholas B. Mangione, et al
Petitioners

Dear Mr. Schmidt:

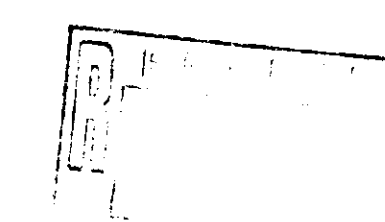
Hoping not to sound rude or impertinent, I am writing to request that whatever action you deem appropriate or necessary in order to consider the request of my September 8, 1994 letter, be expedited. The reason is rather simple: a number of accidents have occurred since the hearing with the most recent being 9/14/94, which resulted in bodily injury.

Thanking you in advance for your consideration.

Very truly yours,

LaVerghetta

*Reset for hearing
Tanczyn LaVerghetta*



JOSEPH C. LAVERGHETTA, CHARTERED
ATTORNEY AT LAW
1205 YORK, SUITE 39C
LUTHERVILLE, MD 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

September 22, 1994

Zoning Commissioner for Baltimore County
Washington Avenue, Suite 113
Towson, Maryland 21204

ATTENTION: Lawrence E. Schmidt

Re: Case No.: 94-466-SPH
Nicholas B. Mangione, et al
Petitioners

Dear Mr. Schmidt:

I do not take pleasure in continual letter writing, however it seems Mr. Tanczyn not only enjoys it but uses his letters as a forum to argue.

The short version of my response to his letters is that I disagree with them. In fact I find them to be self-serving, unnecessary and inflammatory.

My clients have done nothing more than, through me, their counsel, seek to have your office, if it deems it worthy, to reconsider the location of the isle and clarify certain aspects of your order. The decision to take further action is recognized to rest solely within your prerogatives. To that extent, I am requesting a hearing at which all parties can be present to articulate their pros and cons. If you are so inclined, I would ask it not be set for the week of October 3, 1994 through October 7, 1994, as Louis Mangione will be out of the state. Otherwise, I am asking for an expeditious hearing date, in the hope that you act favorably upon my client's request. Therefore, the work can be completed, putting the new access into operation before the winter. Since my last letter there has been another accident.

With respect to Mr. Tanczyn's letter referencing a prior case, I am left in a quandary to its purpose or intent with respect to the issue before you.

Very truly yours,

Joseph C. LaVerghetta

JCL/dmh
cc: Lou Mangione
Mike Tanczyn

JOSEPH C. LAVERGHETTA, CHARTERED
ATTORNEY AT LAW
1205 YORK, SUITE 39C
LUTHERVILLE, MD 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

October 14, 1994

Zoning Commissioner for Baltimore County
Washington Avenue, Suite 113
Towson, Maryland 21204

ATTENTION: Honorable Lawrence E. Schmidt

Re: Case No.: 94-466-SPH

Dear Mr. Schmidt:

In response to Mr. Tanczyn's letter seeking a postponement of the October 25th hearing, I have discussed with Mr. Tanczyn available dates for rescheduling.

On the following dates my client, their witnesses and I are available as I believe Mr. Tanczyn is. Mrs. Poniatowski, however, has the limitations as shown:

October 27th: Only in the morning until 12:30 p.m.
November 3rd: Available from 11:30 a.m. to close of day
November 7th: Unavailable

After the 9th of November the next available date is November 28th for everyone (except at this writing I am uncertain about Ed Haile). Most of this time loss is due to Mrs. Poniatowski being away.

I realize you must balance certain equities in scheduling to provide all interested parties the opportunity to attend and be heard. I again stress that my client and I believe a timely hearing is quite important to the extent that Mrs. Poniatowski has been the spokesperson for DVIA, it is DVIA that is the interested



Zoning Commissioner for Baltimore County
October 14, 1994
Page 2

party and it's board can appoint another spokesperson in her absence. In fact, there are others who have been involved for as long. If the schedule can accommodate Mrs. Poniatowski for October 27th or November 3rd, we have no objections. If it cannot, then I must request a timely hearing notwithstanding her schedule.

Very truly yours,

Joseph C. LaVerghetta

JCL/dmh

cc: Lou Mangione
Mike Tanczyn

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Kellier, Director
Office of Planning and Zoning

DATE: June 14, 1994

SUBJECT: 1205 York Road & 3 Greenridge Road

INFORMATION:

Item Number: 452

Petitioner: Mangione Property

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant's site is located within an area designated as a Community Conservation Area in the Baltimore County Master Plan 1989-2000.

As is noted on the plat accompanying this petition, there is a lengthy zoning history regarding Parcel A-D. The most recent hearing, 87-335SPH was adjudicated by the Circuit Court (88CD4761). Access to Tenbury Road and the preservation of the residential character of that local street were issues in that prior case, and these same issues are currently being revisited in the subject case.

In addition to the issues pertaining to parcel (A-D), the applicant seeks a use permit to allow off street parking on Parcel E, and to permit permanent access from Parcel E to Greenridge Road. In terms of the access issue, staff recommends that the petitioner work with the State Highway Administration and Baltimore County to develop solutions to on-going traffic safety related issues. Access to Greenridge Road may be useful in improving site access, however, it seems premature to consider the use permit for parking until such time as further development takes place.

Post-Net brand fax transmittal memo 7071 (Page 1 of 2)	
To: Mike Tanczyn	From: Pat Kellier
Subject: 94-466-SPH	File: 94-466-SPH
Date: 10/14/94	Time: 11:00 AM
Page: 2 of 2	Page: 1 of 1

JUL-85-'94 TUE 10:50 ID:PLANNING

TEL NO: 410-887-5662

#744 P82

Any access to Tenbury Road, whether it be temporary or permanent, should be denied. Tenbury Road is a residential street and this unwarranted intrusion would negatively impact the well maintained community of Dulaney Village.

Prepared by: *Jeffrey M. Z...*

Division Chief: *Jeffrey M. Z...*

PK/JUL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
3 Greenridge Road * ZONING COMMISSIONER
W/S Tenbury Road, 171 feet W of c/l of *
Ridgefield Road, 9th Election Dist., * FOR BALTIMORE COUNTY
4th Councilmanic Dist. *
Nicholas B. Mangione and Louis Mangione * CASE NO.: 94-466-SPH
Petitioners * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Joseph C. LaVerghetta, Esquire, 1205 York Road, Lutherville, MD 21093, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 8, 1994

(410) 887-4386

Joseph C. LaVerghetta, Esquire
1205 York Road
Lutherville, Maryland 21093

RE: Petition for Special Hearing
Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Dear Mr. LaVerghetta:

Reference is made to your letter dated September 1, 1994 regarding the above matter.

Enclosed is a copy of my Order for Staying Time for Appeal which I have issued. This is the Order which was submitted by you with the revised site plan and was entered on September 6, 1994. I have signed this Order in view of the running of the 30 day appeal time and to allow myself and interested persons an opportunity to comment on the revised plan. As you know, my original Order required that the exit to the site from Greenridge Road be limited to a left turn only out movement to prevent traffic from entering the community.

I also believe that it is appropriate to give Mr. Tanczyn and his clients an opportunity to review and comment on the site plan. As you recall, they appeared as interested persons at the hearing and I will, therefore, permit them to provide either written comment and/or request that the hearing be reconvened to consider this issue. In the interim, the signed Order of Stay will preserve this matter for my jurisdiction, while allowing all parties their rights of appeal. Ultimately, I will issue another Order accepting/rejecting/modifying the revised plan and incorporating the terms of my original Order.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mn
encl.
cc: Michael P. Tanczyn, Esquire, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204



IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Tenbury Road, 171 ft. W of * ZONING COMMISSIONER
c/l of Ridgefield Road *
1205 York Rd. & 3 Greenridge Rd. * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District * CASE NO.: 94-466-SPH
Nicholas B. Mangione, et al *
Petitioners *

FOR STAYING TIME FOR APPEAL

IT IS THIS 6th day of Sept., 1994 by the Zoning Commissioner

ORDERED,

THAT the time for filing an appeal in the above captioned matter is stayed until

further order of this Commissioner.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

May 31, 1994

Office of Zoning Commissioner
Attention of Gwen Stevens
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-466SPH, Item 452

Dear Ms. Stevens:

I have just been retained to represent Dulaney Valley Improvement Association in the above matter, which is presently scheduled for hearing on June 28, 1994 at 10:00 a.m.

I have a planned, pre-paid vacation with my family out of state from June 25, 1994 through July 3, 1994 and would, therefore, request that this hearing be postponed to another date and time.

I have contacted counsel for the Petitioner who is reserving on whether he will agree to the postponement or not.

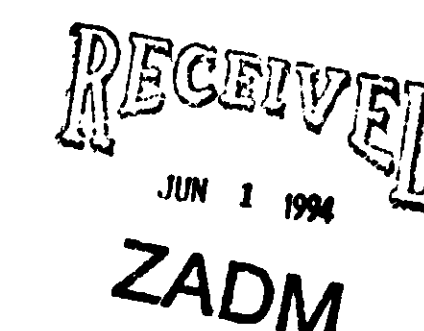
Your anticipated cooperation with this request is appreciated.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

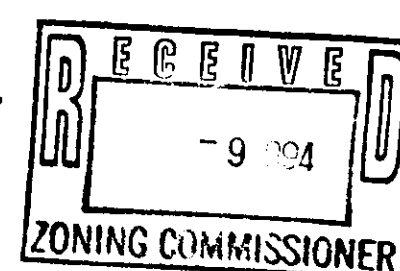
MPT/ed

cc: Dulaney Valley Improvement Association
Ms. Barbara Poniatowski
Joseph C. LaVerghetta, Esq.



Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848



September 6, 1994

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue, Suite 113
Towson, MD 21204

Re: Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Dear Commissioner Schmidt:

I just received Mr. LaVerghetta's letter dated September 1, 1994, which was postmarked and mailed to me on Saturday, September 3, 1994. I have forwarded those to my clients for comment. While awaiting a response from my clients, there are numerous reasons why the Petitioners' request should be denied.

This case was proceeded before you on a documented site plan which had been considered by the County agencies who had commented upon it. By placing the plat before you at the time of the hearing with the drawing attached to Mr. LaVerghetta's letter, you would quickly discern that:

A. The Petitioners have drastically moved the driveway for the requested egress from the lower parking lot to Greenridge Road.

B. The porchtop proposed in your Order to specifically prevent right turns is missing and that the redrawn access point accepts left turns, right turns from all directions as was the hope of the Petitioners at the end of their first paragraph for left turns into the parking lot, which must of necessity be by drivers driving through the community.

C. If the Petitioners want to drastically alter their plan providing the access aisle all the way over as close to Tenbury Road as shown on their unsealed drawing, without angles, distances and closure being displayed, that would call for the consideration of an entirely different and new matter than that decided by Your Honor.

Honorable Lawrence E. Schmidt
Re: Case No. 94-466-SPH

September 6, 1994
Page 2

I would urge you, therefore, to deny this request. The Order clearly states what is required by way of a porchtop to insure that what the Petitioners said they wanted at the hearing (namely, access to York Road) would be the sole result for traffic exiting this site.

Variations suggested by the Petitioner would amount to a material change to a plat and Petition and would not only require a brand new hearing, but would be a replay of the "Mangione Mambo" in which, if the Petitioners do not get what they request, they ask for a "do-over" as the Petitioners have in this instance.

The only thing stopping a vehicle driver from making a right turn under their revised drawing is their conscience.

We therefore respectfully request that you dispatch this design to the denizen of deepest denial.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed

cc: Joseph C. LaVerghetta, Esq.
Dulaney Valley Improvement Association

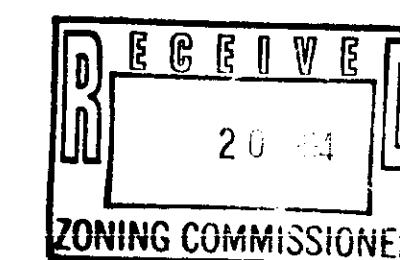
Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

September 19, 1994

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue, Suite 113
Towson, MD 21204

Re: Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners



Dear Commissioner Schmidt:

Thank you for giving my clients an opportunity to respond to the post-decision requests of the Petitioners.

The Petitioners' requests were studied and received County comment prior to your hearing. The present requests of the Petitioners have not only been presented in an incomplete and haphazard way but they have also not been presented to the County departments for review and comment.

It seemed that your decision clearly denied the Tenbury access and the parking lot and approved the aisle access from the existing parking lots to the point shown on the Petitioners' plat to access Greenridge with provisions made to insure traffic would be directed toward York Road only.

The Petitioners' requests, improperly furthered by the unsworn testimony of counsel, was attempted by the Petitioners in the nursing home case on its appeal to the Circuit Court. The Circuit Court tried to accommodate the Petitioners with a remand order which was found to be improper by the Court of Special Appeals in *People's Counsel et al v. Mangione*, 85 Md. App. 738, 584 A.2d 1318 (1991).

I do not believe that the Petitioners' attempts give fair notice or opportunity to be heard.

Alternatively, if allowed, this would merely become the latest never-ending Mangione

Honorable Lawrence E. Schmidt
Re: Case No. 94-466-SPH

September 19, 1994
Page 2

case.

We urge you to affirm yourself and my clients are opposed not only to reconsidering post-decision requests generally and more certainly are opposed to considering drawings without angles, distances, or closure of the type propounded by the Petitioners.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed

cc: Joseph C. LaVerghetta, Esq.
Dulaney Valley Improvement Association

SEPTEMBER 30, 1994

NOTICE OF HEARING
ON MOTION FOR RECONSIDERATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, Office located at 400 Washington Avenue, Towson, Maryland, as follows:

CASE NUMBER: 94-466-SPH (Item 452)
3 Greenridge Road
W/S Tenbury Road, 171 feet W of c/l of Ridgefield Road
9th Election District - 4th Councilmanic
Legal Owner(s): Nicholas B. Mangione and Louis Mangione

Special Hearing to amend the approved plan in case #87-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

HEARING: TUESDAY, OCTOBER 25, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Joseph C. LaVerghetta, Esq.
Michael P. Tanczyn, Esq.

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21201

(410) 887-3353

June 17, 1994

Joseph C. LaVerghetta
1205 York Road
Lutherville, MD 21093

RE: Case No. 94-466-SPH, Item No. 452
Petition for Special Hearing
Petitioner: Nicholas B. Mangione

Dear Mr. LaVerghetta:

The above-referenced petition and accompanying plans were accepted for filing on May 20, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties; i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 445, 448, 449, 450, 451, 452, 453, AND 454.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4801, MS-1102F

cc: File

RECEIVED
MAY 27 1994
ZADM

Printed with Recycled Ink
on Recycled Paper

5-25-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +452 (J.T.)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID N. RAMSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: June 14, 1994

SUBJECT: 1205 York Road & 3 Greenridge Road

INFORMATION:

Item Number: 452

Petitioner: Mangione Property

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The applicant's site is located within an area designated as a Community Conservation Area in the Baltimore County Master Plan 1989-2000.

As is noted on the plat accompanying this petition, there is a lengthy zoning history regarding Parcels A-D. The most recent hearing, 87-335SPH was adjudicated by the Circuit Court (88CG4761). Access to Tenbury Road and the preservation of the residential character of that local street were issues in that prior case, and these same issues are currently being revisited in the subject case.

In addition to the issues pertaining to parcel (A-D), the applicant seeks a use permit to allow off street parking on Parcel E, and to permit permanent access from Parcel E to Greenridge Road. In terms of the access issue, staff recommends that the petitioner work with the State Highway Administration and Baltimore County to develop solutions to on-going traffic safety related issues. Access to Greenridge Road may be useful in improving site access, however, it seems premature to consider the use permit for parking until such time as further development takes place.

Any access to Tenbury Road, whether it be temporary or permanent, should be denied. Tenbury Road is a residential street and this unwarranted intrusion would negatively impact the well maintained community of Dulaney Village.

Prepared by: *Jeffrey M. Z...*

Division Chief: *Pat Keller*

PK/JL:lw

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 21, 1994

(410) 887-4386

Joseph C. LaVerghetta, Esquire
1205 York Road, Suite 39C
Lutherville, Maryland 21093

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Gentlemen:

Confirming telephone conversations this date, it is agreed by all parties concerned that the Motion for Reconsideration, regarding the above captioned case, has been rescheduled for Thursday, October 27, 1994 at 11:00 A.M., in Room 106 of the County Office Building, at 111 W. Chesapeake Avenue in Towson.

Very truly yours,
Marlene C. Novak
Marlene C. Novak
Secretary to
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: Owen Stephens, Docket Clerk
Office of ZADM

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

December 2, 1994

(410) 887-4386

Joseph C. LaVerghetta, Esquire
1205 York Road, Suite 39C
Lutherville, Maryland 21093

RE: Ruling on Motion for Reconsideration
Nicholas B. Mangione, et al, Petitioners
Case No. 92-466-SPH

Dear Mr. LaVerghetta:

This is to follow up on our recent telephone conversation regarding the above matter. You are, indeed, correct that my ruling on the Motion for Reconsideration erroneously labeled the location of the proposed access road. As clearly shown on the site plan, the access road will be on the eastern portion of the site, and not the west side of the property; i.e., Tenbury Road near the eastern perimeter of the tract. I appreciate your drawing my attention to this mis-statement and I emphasize that construction must be in accordance with the terms of my Order and the amended site plan.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

DMW

Delt McCune Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Description
To Accompany Petition for Special Hearing
4.34 Acre Parcel
Held Property
West Side of Tenbury Road
North of Ridgefield Road
Ninth Election District, Baltimore County, Maryland

Beginning for the same on the west side of Tenbury Road (50 feet wide) at a point distant 171 feet, more or less, as measured North 24 degrees West from the intersection of the centerline of said Tenbury Road and the centerline of Ridgefield Road (50 feet wide), thence leaving said point of beginning and the west side of Tenbury Road (1) South 75 degrees 31 minutes West 550.34 feet to the east side of York Road, thence running and binding on said east side the four following courses and distances, viz: (2) North 25 degrees 12 minutes West 10.27 feet, more or less, thence (3) North 24 degrees 03 minutes West 50.01 feet, more or less, thence (4) North 25 degrees 12 minutes West 100.00 feet, more or less, and thence (5) North 24 degrees 03 West 19.05 feet, more or less, thence leaving said east side of York Road and running the four following courses and distances, viz: (6) North 74 degrees 58 minutes East 248.00 feet, more or less, thence (7) North 15 degrees 04 minutes West 170.00 feet, more or less, thence (8) North 76 degrees 56 minutes East 190.00 feet, more or less, and thence (9) North 15 degrees 04 minutes West 161.00 feet, more or less, to the south side of Greenridge Road, thence running and binding on said south side (10) North 74 degrees 56 minutes East 149.00 feet, more or less, to the said west side of Tenbury Road and running and binding on said

Page 1 of 2

west side the five following courses and distances, viz: (11) South 59 degrees 59 minutes 55 seconds East 28.18 feet, more or less, thence (12) South 15 degrees 04 minutes East 151.00 feet, more or less, thence (13) Southeasterly by a curve to the right with the radius of 929.93 feet, for a distance of 157.34 feet, more or less, the arc of said curb being subtended by a chord bearing South 10 degrees 13 minutes 06 seconds East 157.15 feet, more or less, thence (14) Southeasterly by a curve to the left with the radius of 979.93 feet, for a distance of 153.80 feet, more or less, the arc of said curve being subtended by a chord bearing South 09 degrees 52 minutes 05 seconds East 153.64 feet, more or less, and thence (15) South 14 degrees 21 minutes 54 seconds East 31.54 feet, more or less, to the point of beginning; containing 4.34 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
May 19, 1994
Project No. 94021



Page 2 of 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 6/24/94
Posted for: Special Hearing
Petitioner: Nicholas B. Mangione
Location of property: 1205 York Rd, + 3 Greenridge Rd
Location of Sign: Along Tenbury, on property being zoned
Remarks: _____
Posted by: MDP Date of return: 7/1/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 3, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 2, 1994.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-466-SPH (Item 452)
1205 York Road and 3 Greenridge Road
W/S Tenbury Road, 171 feet W of c/l of Ridgefield Road
9th Election District - 4th Councilmanic
Legal Owner(s): Nicholas B. Mangione and Louis Mangione
HEARING: TUESDAY, JUNE 28, 1994 at 10:00 a.m., Rm. 118 Old Courthouse
Special Hearing to amend the approved plan in case 887-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

111 West Chesapeake Avenue
Towson, MD 21204
May 26, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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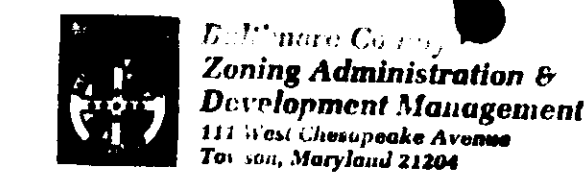
Special Hearing to amend the approved plan in case 887-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

Arnold Jablon
DIRECTOR

cc: Nicholas B. Mangione and Louis Mangione
Joseph C. LaVerghetta, Esquire

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Printed with Raytheon Ink
on Recycled Paper



receipt

Date: 5-20-94

Account: R-0014190

IT-10 Number: 452

Owner: Nicholas B. Mangione

Site: 1205 York Rd and
3 Greenridge Rd (same site)

040 - Commercial Special Hearing filing fee \$250.00

080 - 2 Signs & posting @ \$35 each \$70.00

\$320.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, DIRECTOR

For newspaper advertising:

Item No.: 452

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph C. LaVerghetta

ADDRESS: 1205 York Road

Lutherville MD 21093

* PHONE NUMBER: 825-8400

MUST BE SUPPLIED

2-11-92/931

TO: PUBLISHER PUBLISHING COMPANY
June 2, 1994 Issue - Jeffersonian

Please forward billing to:
Joseph C. LaVerghetta
1205 York Road
Lutherville, Maryland 21093
825-8400

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-466-SPH (Item 452)
1205 York Road and 3 Greenridge Road
W/S Tenbury Road, 171 feet W of c/l of Ridgefield Road
9th Election District - 4th Councilmanic
Legal Owner(s): Nicholas B. Mangione and Louis Mangione
HEARING: TUESDAY, JUNE 28, 1994 at 10:00 a.m., Rm. 118 Old Courthouse

Special Hearing to amend the approved plan in case 887-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

LAMARCA E. SCHIEDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204
May 26, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Special Hearing to amend the approved plan in case 887-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

Arnold Jablon
DIRECTOR

cc: Nicholas B. Mangione and Louis Mangione
Joseph C. LaVerghetta, Esquire

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Printed with Raytheon Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 1, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-466-SPH (Item 452)
3 Greenridge Road
W/S Tenbury Road, 171 feet W of c/l of Ridgefield Road
9th Election District - 4th Councilmanic
Legal Owner(s): Nicholas B. Mangione and Louis Mangione

HEARING: MONDAY, JULY 18, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Arnold Jablon
DIRECTOR

cc: Nicholas B. Mangione and Louis Mangione
Joseph C. LaVerghetta, Esq.
Michael Tanczyn, Esq.

Printed with Raytheon Ink
on Recycled Paper

As to the zoning history of the property, the original building was approved in 1973 and there have been three subsequent zoning hearings as to the expansion of parking and modification of the site plan since that time.

Based upon the increased traffic counts, Mr. Mangione proposes additional improvements to the site as outlined in the Petition for Special Hearing. The first request relates to a temporary access onto Tenbury Road. Presently, the parking lot for the 1205 York Road building extends towards the rear of the site, however, vehicular access to Tenbury Road is not provided. Rather, a row of landscaping and sidewalk separates the end of the asphalt parking area and Tenbury Road. Mr. Mangione argues that it would be simple to cut through this strip to Tenbury Road and provide an immediate means of access to the site from that roadway. This would alleviate the overcrowding and traffic congestion in front of the site occasioned by vehicles entering and exiting the property from York Road.

As a long term solution, Mr. Mangione proposes constructing a permanent access from Greenridge Road as shown on the site plan. Moreover, an additional parking area will be provided on this part of the property, known as Parcel E. Access to Greenridge Road will allow users of the building to exit the site by Greenridge Road and enter York Road through the signalized intersection at York and Greenridge Roads. Moreover, a parking lot can be constructed on Parcel E to serve not only the subject site, but contemplated development on other parcels. Specifically, the Mangione family also has an interest in property immediately north of 1205 York Road formerly owned by Mr. and Mrs. Charles W. Held. Although Mr. and Mrs. Held apparently have a life estate in this property, it is envisioned that upon their deaths, the property will be commercially devel-

-3-

oped. The proposed parking lot on Parcel E could serve not only this development but also overflow parking from 1205 York Road.

On cross examination, Mr. Mangione discussed the mix of tenants in the 1205 York Road building. Clearly, the building has become more oriented to house members of the medical profession. Although there are a few non-medical offices in the building, including the Mangione family's business headquarters, the predominant use of the building is doctor's offices and similar facilities. Also, Mr. Mangione acknowledged that the existing parking is more than sufficient to accommodate present needs. Photographs submitted at the site show that the lot is not fully utilized and there were many empty spots when I visited the site, both prior to the hearing when I consulted a physician and after the hearing when I conducted a site visit.

Also testifying on behalf of the Petition was Glenn Cook of The Traffic Group, Inc. Mr. Cook testified that the present ingress/egress point is not the most desirable intersection from a traffic standpoint. He discussed the high volumes of traffic on the York Road which have increased over the recent years. He corroborated Mr. Mangione's testimony that there has been significant amount of development within close proximity to the subject site. This includes the Towson Commons and Towson Town Center to the south, as well as residential and commercial development to the north. Due to this construction, Mr. Cook opined that the traffic volumes on York Road have increased greatly making the present point of access often difficult at peak hours. In this regard, Mr. Cook conducted certain traffic studies and testified as to the volumes in and out of the site and their left/right turning movements during peak hours. Mr. Cook's testimony in this respect is fully recounted within the record of the case.

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Lastly, testifying on behalf of the Petition was Edward Haile, the President of Daft, McCune, Walker and a professional engineer. Mr. Haile generally discussed that portion of the special exception regarding the proposed parking area for Parcel E. He noted that, from an engineering standpoint, it made sense to develop the parking lot on Parcel E, at this time, if access was being provided to Greenridge Road. This would prevent development of Parcel E by way of a piecemeal approach and would allow the property owner to make all improvements at one time. Mr. Haile did acknowledge, under the parking calculations shown on the plan, that additional spaces were not needed on Parcel E to accommodate the parking requirements for 1205 York Road.

There was also testimony offered by the Protestants. They described the existing community of Dulaney Village and access thereto. They vehemently oppose any access to Tenbury Road, be it temporary or permanent. They believe that such an access would allow patrons of 1205 York Road to enter their community thereby increasing traffic congestion within this residential community. Moreover, they oppose construction of an additional parking lot on Parcel E as unnecessary at this time. As to Greenridge Road, they believe that access should only be allowed if right turns from the site onto Greenridge Road and into the community were prohibited.

In considering the nature of the proposed request, I must adjudge the merits of same based upon the requirements of Section 502.1 of the BCZR. Those requirements relate to Petitions for Special Exception. In this case, the original special exception was granted for the office building at 1205 York Road and the proposed request relates to an alteration of that site plan. The Petitioner need not offer expert opinion as to those standards, however, I must evaluate the factual testimony offered within that context.

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In this case, I am not persuaded that the temporary access to Tenbury Road is warranted or appropriate. I am well aware of the busy volume of traffic on York Road in front of this site, in that I travel on this roadway on nearly a daily basis. Although admittedly, this is a busy thoroughfare, I do not see an emergency need as claimed by the Petitioners which would require immediate access from the site to Tenbury Road. The potential drawbacks from such a temporary access outweigh the benefits. Tenbury Road is indeed a narrow roadway which leads to the heart of a residential community. It is easy to get lost in that community if one is unfamiliar with the road network. For these reasons, the safety of the residential streets and community could be jeopardized if access from the parking lot serving this building was provided to Tenbury Road. For these reasons, I will deny the Petition for Special Hearing as it relates to Tenbury Road access, be it temporary or permanent.

As to the Greenridge Road access, I believe that the Petitioners are justified in requesting same. It seems appropriate to allow a second access to this site and the many offices which are contained within the 1205 York Road building. Moreover, the intersection at Greenridge Road and York Road is signalized and will provide a safer means of access for patrons of the offices in the building. Thus, I am persuaded to grant the Petitioners' request to allow access from Greenridge Road in this case.

However, I shall limit the access to a left turn out movement only. The Petitioners shall engineer its plans so as to provide a "porkchop" or similar traffic entrance in order to prohibit traffic from exiting the site and turning right onto Greenridge Road. I paid particular attention to this road during my site visit. An unfamiliar traveler who turns right out of the site onto Greenridge Road will surely get lost within the maze of roads in the Dulaney Village community. Moreover, an overwhelming

-6-

majority of the patrons who use 1205 York Road will probably want to return to York Road and the major roads nearby, anyway. Thus, although granting the special hearing to allow access onto Greenridge Road, I shall allow only left turn out from the site onto that roadway.

As to the Petitioners' final request and the parking lot on Parcel E, it is simply not needed at this time. To build an additional parking lot at this point does not make good planning sense, although I am appreciative of Mr. Haile's testimony from an engineering standpoint. In my view, a proper decision, in this respect, is to allow the Petitioners to construct the necessary aisle connecting Greenridge Road and the existing parking lots, but engineer same so that it can accommodate a future parking lot on Parcel E. That is, the aisle way can be engineered so as to accommodate future enlargement of the parcel to provide parking spaces. However, the actual parking areas, itself, should not be constructed at this time. There is no need to justify an additional macadam area, and is not appropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of August, 1994 that, pursuant to the Petition for Special Hearing, approval for an amendment to the approved plan in case No. 87-335-SPH dated 11/2/88 to allow for temporary access to Tenbury Road from Parcel D, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that approval to allow permanent access from Parcel E to Greenridge Road as shown on the accompanying plat, be and is hereby GRANTED; and,

-7-

IT IS FURTHER ORDERED that approval to permit off street parking in a residential zone on Parcel E, be and is hereby DENIED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall limit the entrance/exit to the site from Greenridge Road to a left turn only/out movement. The Petitioners shall alter the site plan so as to provide a "porkchop" or similar traffic entrance in order to prohibit traffic from exiting the site and turning right onto Greenridge Road.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

-8-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
401 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 5, 1994

Joseph C. LaVerghetta, Esquire
1205 York Road
Lutherville, Maryland 21093

Michael P. Tanczyn, Esquire, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Case No. 94-466-SPH
Petition for Special Hearing
Nicholas B. Mangione, et al, Petitioners

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in part, and denied, in part, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

cc: Mr. Louis Mangione
Mr. Ed Haile and Ms. Jean Tansey, Daft, McCune, Walker
Mr. Henry Betz
Mr. and Mrs. John R. McDonnell
Mr. and Mrs. L. Strott
Mrs. Cheryl Malone, President, Dulaney Valley Improvement Assn.



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 1205 York Road and 3 Greenridge Road
which is presently zoned DR-5-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. To amend approved plan in Case No. 87-335-SPH dated 11/2/88 To allow for temporary access to Tenbury Road; From Parcel D on Plat accompanying this Petition For Special Hearing.
2. To permit permanent access from Parcel E to Greenridge Road as shown on Plat accompanying this Petition For Special Hearing.
3. To permit off street parking in a residential zone - Parcel E of Plat to accompany this Petition For Special Hearing. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, printing, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor

(Type or Print Name)

Signature

Address

City

State

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip

Legal Owner(s)

(Type or Print Name)

Signature

Address

City

State

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

Address

City

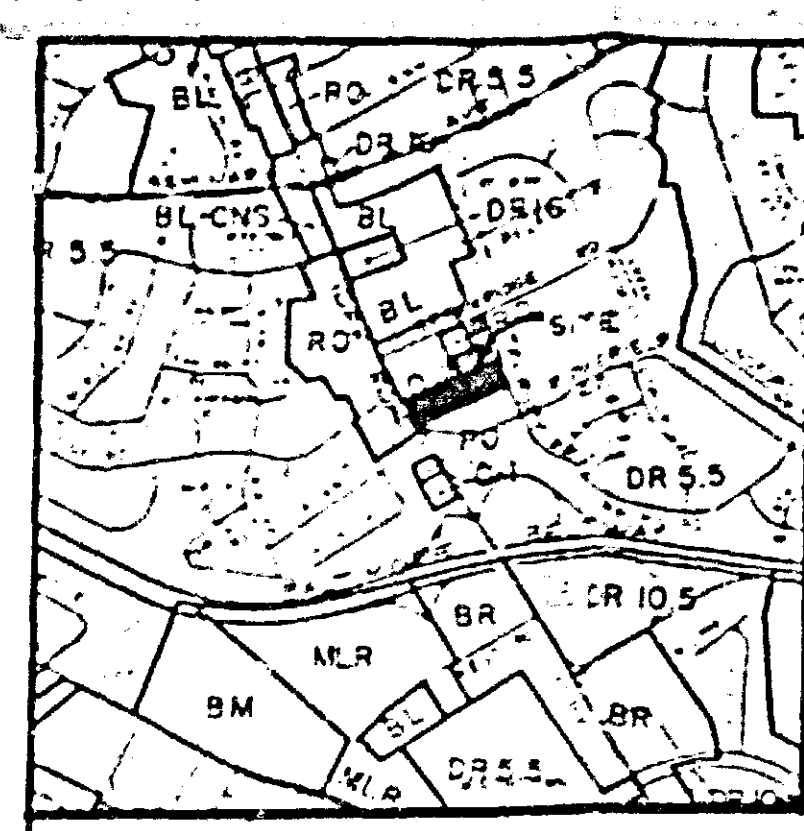
State

Zip

Phone No.

1205 YORK RD

94021



VICINITY MAP
FOURTH EDITION

PROPOSED LOT SIZES
LOT 1: 150' x 100' (15,000 SF)
LOT 2: 150' x 100' (15,000 SF)
LOT 3: 150' x 100' (15,000 SF)
LOT 4: 150' x 100' (15,000 SF)
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LOT 97: 150' x 100' (15,000 SF)
LOT 98: 150' x 100' (15,000 SF)
LOT 99: 150' x 100' (15,000 SF)
LOT 100: 150' x 100' (15,000 SF)

PARCEL A (1.66 AC)
A1 N 23° 15' W 10.25'
A2 N 24° 03' W 50.01'
A3 N 25° 12' W 100.00'
A4 N 24° 03' W 19.05'
A5 N 74° 58' E 405.10'
A6 S 15° 04' E 100.00'
A7 S 75° 31' W 374.55'

PARCEL B (0.76 AC)
B1 S 76° 56' W 62.01'
B2 S 15° 04' W 105.01'
B3 N 74° 58' E 62.01'
B4 S 15° 04' E 105.01'

PARCEL C (0.76 AC)
C1 S 75° 31' W 175.41'
C2 S 15° 04' W 100.01'
C3 N 74° 58' E 107.01'
C4 SOUTHEASTERLY BY A RADIUS OF 972.00'
WITH A LENGTH OF 192.01'
C5 S 13° 41' E 21.54'

PARCEL D (0.76 AC)
D1 S 74° 58' W 102.01' - 0-1 RO
D2 S 15° 04' W 105.01'
D3 N 74° 58' E 106.01'
D4 SOUTHEASTERLY 100.01'

GENERAL NOTES
1. The land shown on this map is the property of the City of Baltimore.
2. All proposed easements, including those for utility lines, shall be subject to the City of Baltimore's approval.
3. No building, structure, or any other improvement shall be constructed on the land shown on this map without the approval of the City of Baltimore.
4. The City of Baltimore shall have the right to acquire the land shown on this map for public use.
5. The City of Baltimore shall have the right to use the land shown on this map for public use.
6. The City of Baltimore shall have the right to use the land shown on this map for public use.
7. The City of Baltimore shall have the right to use the land shown on this map for public use.

GREENRIDGE ROAD

HEAVY PLAZA

ROAD

ROAD

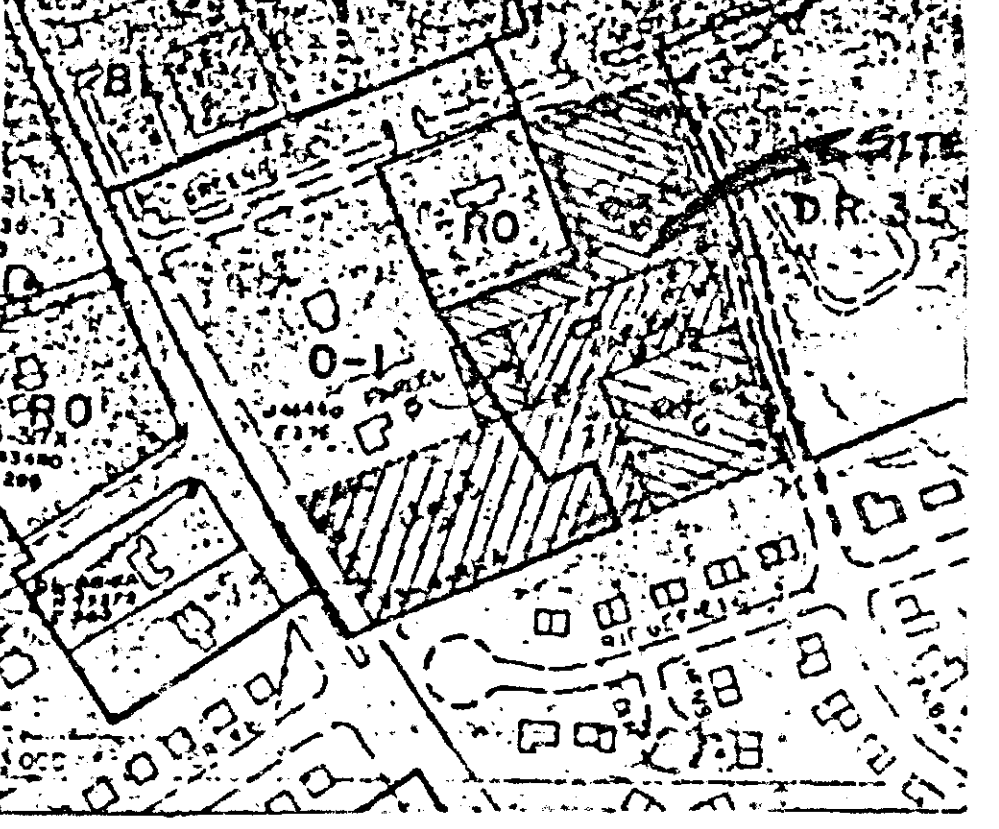
TENBURY ROAD

RIDGEFIELD ROAD

ROAD



P/O NE HA 1935 PHOTOGRAPHIC MAP
1"=200'



P/O NE HA 1932 ZONING MAP
1"=200'

NICHOLAS B MANSIONS
5510/550
4.5 AC VACANT DRE-5

RECOMMENDATIONS
1. The land shown on this map is the property of the City of Baltimore.
2. All proposed easements, including those for utility lines, shall be subject to the City of Baltimore's approval.
3. No building, structure, or any other improvement shall be constructed on the land shown on this map without the approval of the City of Baltimore.
4. The City of Baltimore shall have the right to acquire the land shown on this map for public use.
5. The City of Baltimore shall have the right to use the land shown on this map for public use.
6. The City of Baltimore shall have the right to use the land shown on this map for public use.

SEE DISCUSSION NOTES
RECOMMENDATIONS
PARCELS A & B: 75-100' x 100'
PARCELS C & D: 75-100' x 100'
PARCELS E & F: 75-100' x 100'
PARCELS G & H: 75-100' x 100'

PRINTED
OCT 24 1994
DAFF-MACQUE-WALKER, INC.



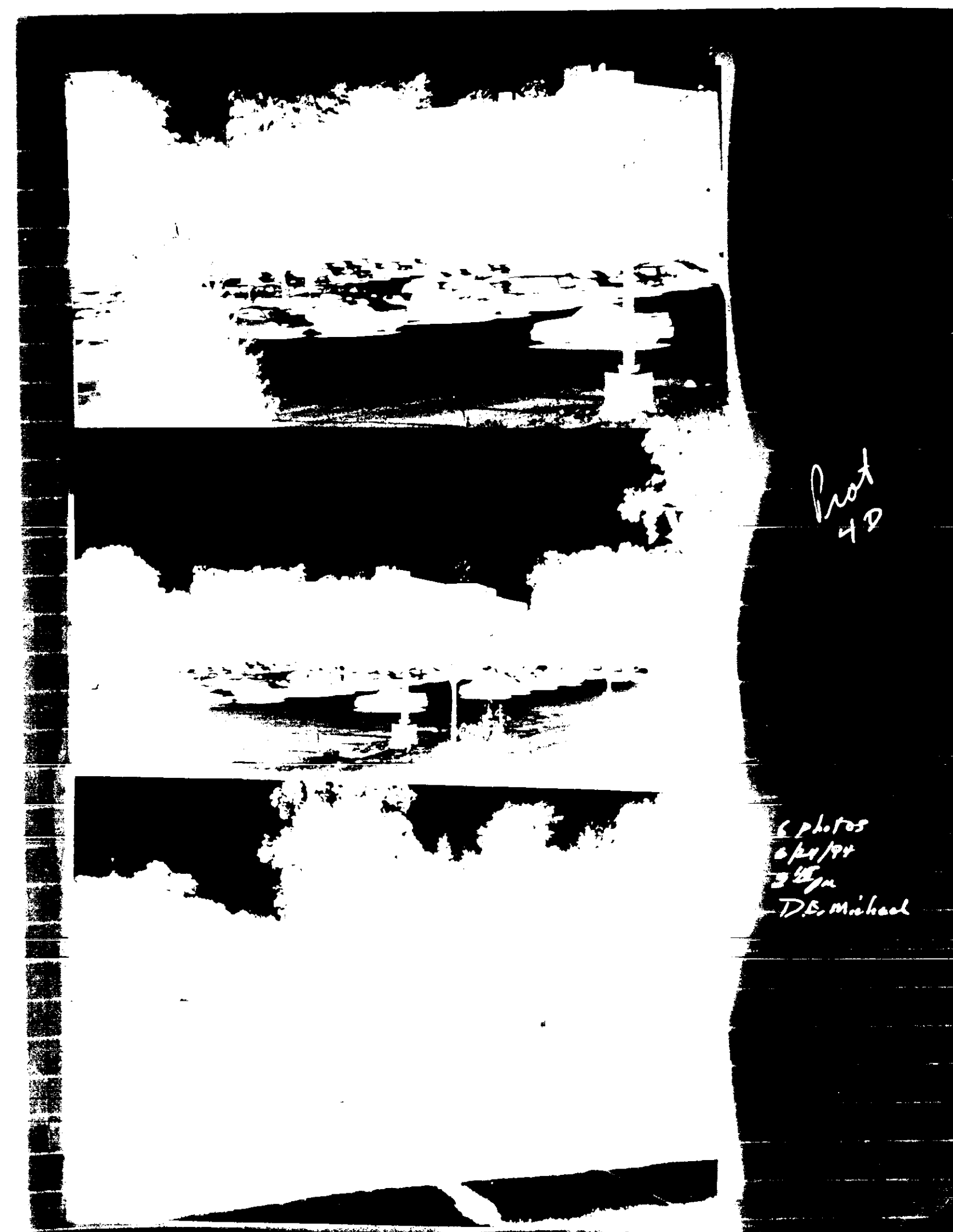
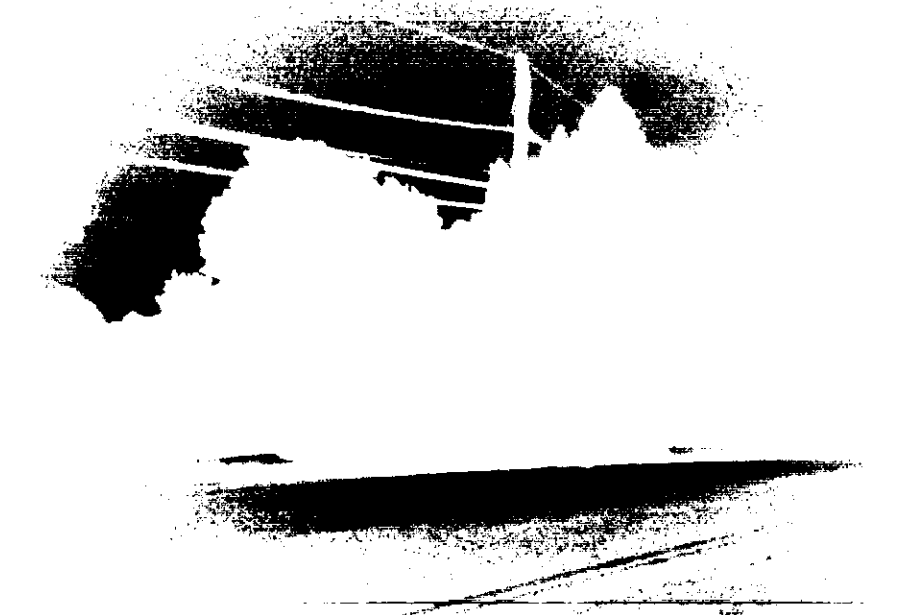
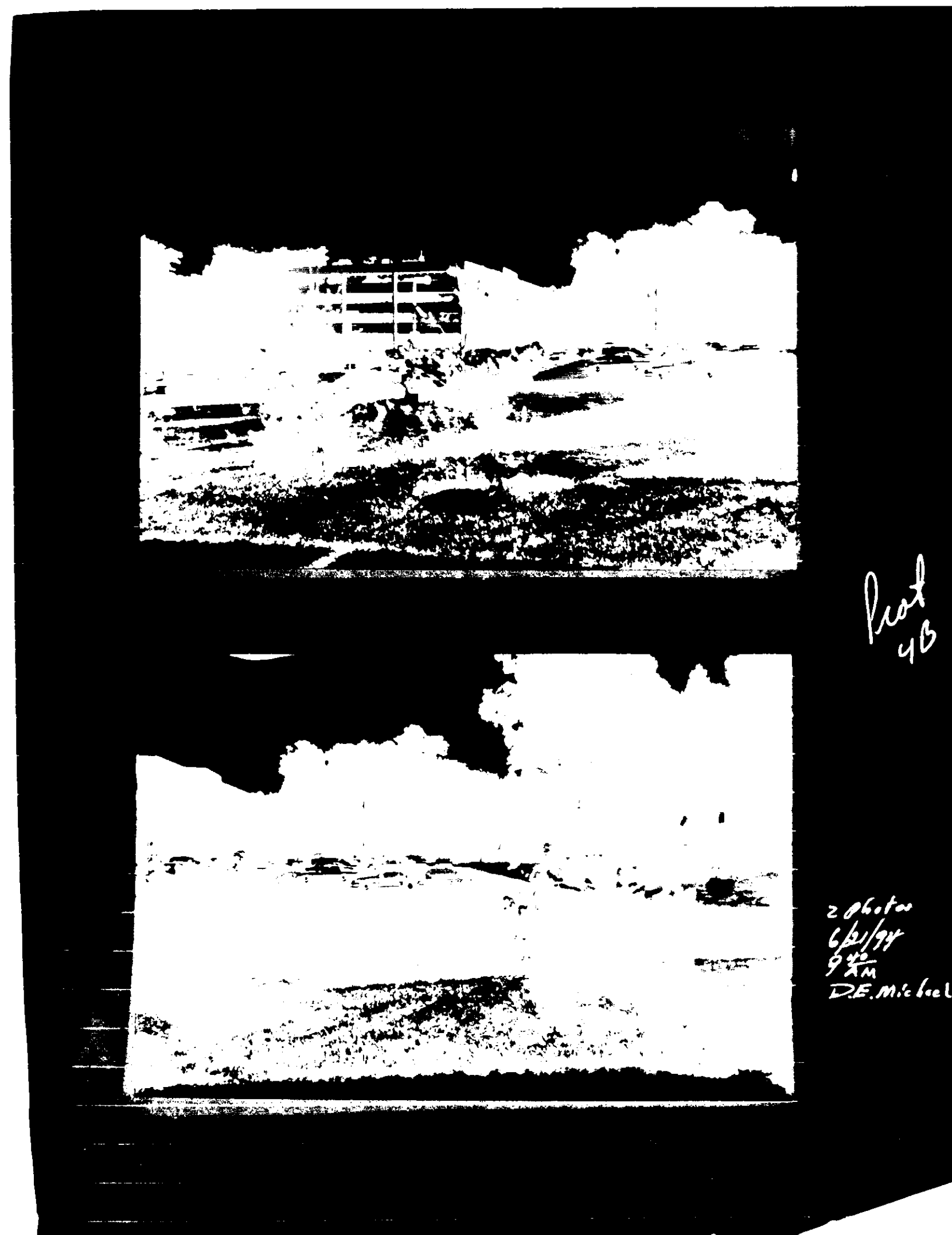
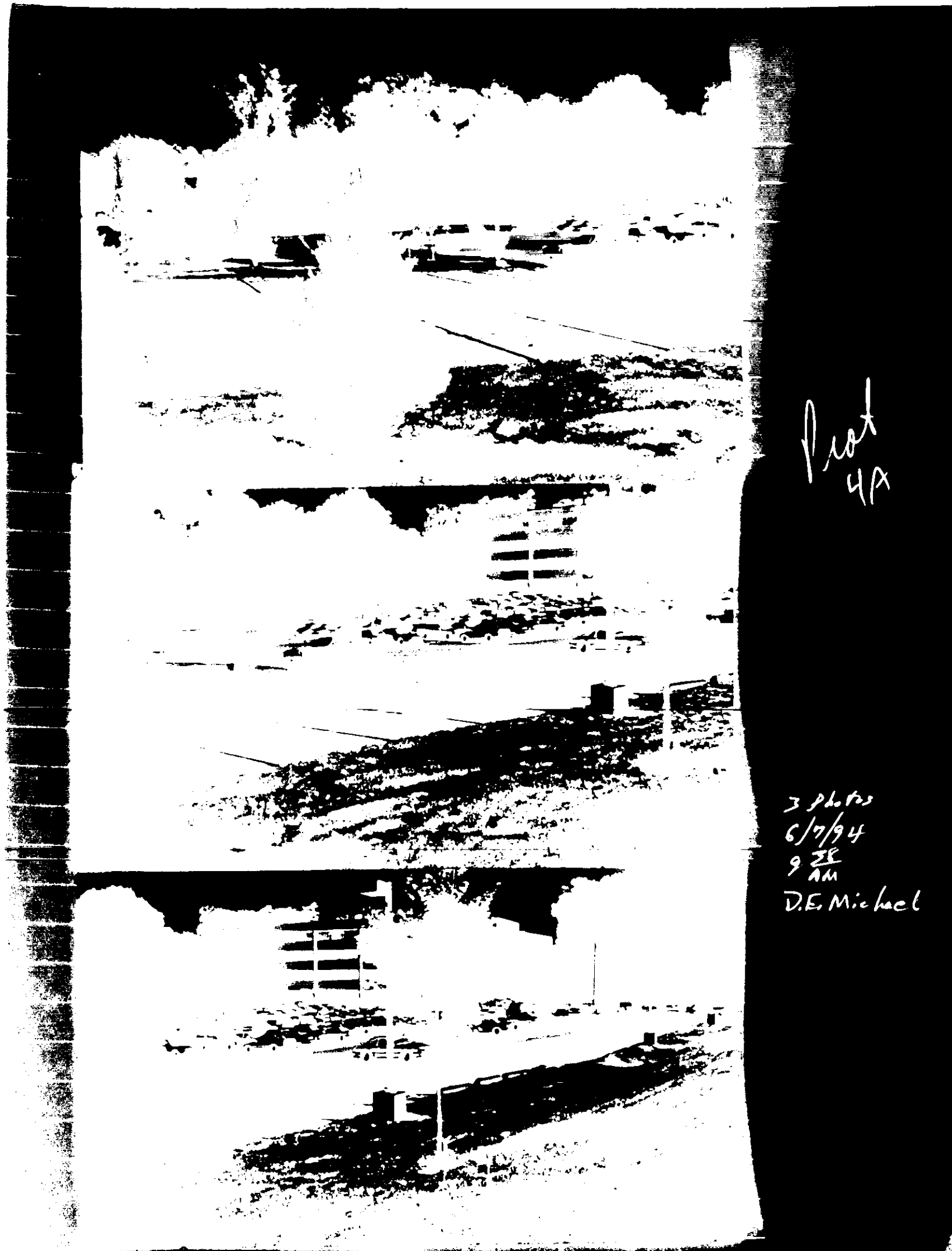
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 255-8120

NOTE: ALL OFF-ROAD DRIVEWAYS AND
WALKWAYS SHALL BE CONSTRUCTED
AND MAINTAINED AT THE OWNER'S
EXPENSE.

SCALE: 1"=30'
DATE: 12/15/90
BY: GWS
CHECKED: 1/10/91
DWG NO: 94021

ELECTION DISTRICT 9 BALTO CO.
P.N. 5132
DMN PROJ. 94021
OWNERS:
NICHOLAS B AND MARY MANSIONS
AND
CHARLES W AND HARRIET WELLS
1205 YORK ROAD
OWSON, MARYLAND 21204





Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

1205 York Road
Towson, MD 21204

April 30, 1992

(410) 887-3353

Michael P. Tanczyn, P.A.
Suite 105
606 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. C-92-1296
Case No. 87-335 SPH
1205 York Road
9th Election District

Dear Mr. Tanczyn:

With regard to the issue of the outstanding zoning violations at 1205 York Road, this office has gone to the extent to utilize Article V - Development Regulations, Section 26-100 of the Baltimore County Code, against York Road Associates/Nicholas B. Mangione, et al. This means that no future plans or permits will be processed for any proposed development owned by them or those they have an interest in until the violations existing at 1205 York Road are resolved.

Furthermore, we have requested that the Office of Law file contempt proceedings in the Circuit Court of Maryland, Baltimore County, against Nicholas B. Mangione, et al. for failure to comply with the Honorable A. Owen Henningson's decision that upheld the Baltimore County Court of Appeals decision.

If additional questions remain, please contact Inspector Timothy L. Fitts at 887-3351.

Sincerely,
James H. Thompson
Zoning Enforcement Coordinator

JHT/cmm
cc: Inspector Timothy L. Fitts
File

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Tenbury Road, 171 ft. W of * ZONING COMMISSIONER
c/l of Ridgefield Road *
1205 York Rd. & 3 Greenridge Rd. * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District *
Nicholas B. Mangione, et al * Case No. 94-466-SPH
Petitioners

RULING ON MOTION FOR RECONSIDERATION

The above captioned matter comes before the Zoning Commissioner on a Motion for Reconsideration filed by the Petitioners, Nicholas B. Mangione, et al, to the opinion and Order rendered by this Zoning Commissioner on August 10, 1994. At that time, certain Findings of Fact and Conclusions of Law were made by this Commissioner as to a Petition for Special Hearing which had been filed by the Petitioners for their property located at 1205 York Road and 3 Greenridge Road in Lutherville. Within that Order, requested permission for a temporary access to Tenbury Road from the parking lot on the subject property was denied, as was a request to permit off street parking in a residential zone on parcel E. However, special hearing relief was granted to allow permanent access from parcel E to Greenridge Road.

Following the issuance of that Order, the Petitioners filed a Motion for Reconsideration requesting clarification of the Order. Specifically, they sought approval of the schematic layout of the proposed access aisleway which will lead from Parcel E to Greenridge Road. A written response was received from the Protestants who participated in this matter to the Motion for Reconsideration and, thus, the case was scheduled for rehearing.

Appearing at that rehearing, on behalf of the Petitioners, was Louis Mangione, one of the property owners. Also present on behalf of the Petition was Ed Haile from Daft, McCune and Walker, the engineers who prepared the site plan. The Petitioners were represented by Joseph C. LaVerghetta,

Esquire. Appearing in opposition to the request was Barbara Poniatowski on behalf of Dulaney Village Improvement Association. She and that association were represented by Michael P. Tanczyn, Esquire.

Let it be noted at the onset that the Motion for Reconsideration is limited in scope. Except as expressly amended herein, the provisions of my Order of August 10, 1994 shall be reincorporated and readopted herein. The entire question set forth in the Motion for Reconsideration is the configuration and location of the aisleway which will connect the parking lot on the subject site to Greenridge Road.

As noted in my prior opinion and Order, the Petitioners believe that another means of ingress and egress to the office building thereon, and known as 1205 York Road, is desirable. Presently, the only vehicular access to the site is directly from York Road. Testimony was presented that traffic is congested at this location along York Road and that a second access to the site from Greenridge Road is preferable. This will allow traffic to enter and exit the site from the intersection of Greenridge and York Roads, which is signalized.

At the hearing on the Motion for Reconsideration, testimony was received from Ed Haile, who submitted a revised site plan marked as Petitioners' Exhibit No. 1 (Reconsideration hearing). That revised site plan shows the access road from the lot to Greenridge Road to be located on the western side of the site near or parallel to Tenbury Road. The access road will then be curved so as to connect to Greenridge Road at the existing curb cut. This 45 degree angling of the road will discourage traffic from turning into the residential community known as Dulaney Village; a result which all believe is inappropriate.

ORDER RECEIVED FOR FILING
Date 11/29/94
By Jm Shork

-2-

Testimony elicited from Mr. Haile on both direct and cross examination was convincing that the site plan, as submitted, is appropriate. I am particularly concerned about traffic exiting the site and turning right (west) into the residential community. Although the actions of automobile drivers are sometimes without logic or reason, the proposed roadway design, as shown on the site plan, appears to be the best method to prohibit right turns into the community. Moreover, as Mr. Haile noted, construction of the road, as proposed, will entail less regrading and disturbance of the site.

Through cross examination, Mr. Tanczyn raised several concerns regarding the location of the road on the west side of the property, near the residential community to the rear. Although appreciative of these sentiments, it is to be noted that Mr. Mangione also owns the sizeable property across Tenbury Road from the parking lot and proposed access. Thus, the Petitioner, himself, will be the most affected neighbor. Therefore, based upon the testimony and evidence presented, I am persuaded to amend the relief previously ordered and approve the amended site plan. I shall also readopt and reincorporate those restrictions contained within the County Board of Appeals' Order previously passed in this case. Those restrictions, which are referenced on the site plan and attached hereto, require landscaping and buffering of the parking lot so as to shield the lot and activity thereon from the residential areas nearby. Submission of a landscape plan to the County Landscape Architect for approval seems appropriate in this instance.

Pursuant to the advertisement, posting of the property, and public hearing on this Motion for Reconsideration held, and for the reasons given above, the relief requested should be granted.

ORDER RECEIVED FOR FILING
Date 11/29/94
By Jm Shork

-3-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of November, 1994 that, pursuant to the Petition for Special Hearing, the design of the access road from the parking area on Parcel D to Greenridge Road be and is hereby APPROVED, in accordance with Petitioners' Exhibit No. 1, (Reconsideration hearing), subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. All restrictions in prior zoning decisions by this office and the County Board of Appeals shall remain in full force and effect except as expressly amended herein.
3. The Petitioners shall submit a landscape plan for approval to the County's Landscape Architect so as to provide an adequate and consistent buffering on the western side of this property, specifically including the proposed access road.

LAWRENCE E. SCHWITT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 11/29/94
By Jm Shork

-4-

Thereafter, the Protestants appealed that decision to the Board of Appeals of Baltimore County. The Board similarly concluded that, notwithstanding the objections of Protestants, denial of the requested permit would do nothing to alleviate the problems now associated with overflow parking. The parcels of D.R. 5.5 land are not parcels that are very apt to be residentially developed. The Board can find no benefit by the denial of this Petition to the community or to the County given the office use as it now exists." The Board's order granting the permit was subject to the following restrictions:

1. All parking spaces and their access aisles are subject to compliance with RTA requirements.
2. Areas to be utilized for parking spaces and access aisles shall not be expanded beyond the areas shown on Petitioner's Exhibit No. 7.
3. The RTA buffers on the south and east sides of Parcel C shall be a minimum of 75 feet wide from the property line to the parking lot. The guard rail on the west side of Tenbury Road shall be replaced and the steps from Parcel C to Tenbury Road removed.
4. A 10-foot buffer on the entire east side of Parcel D shall be heavily landscaped.
5. An 8-foot buffer on the entire north side of Parcels B and D in the D.R. 5.5 zoning shall be heavily landscaped.
6. The internal traffic patterns for parking on Parcels B, C and D shall be approved by the Bureau of Traffic Engineering and such written approval indicated on the approved plan.

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 23, 1994

Joseph C. LaVerghetta, Esquire
1205 York Road, Suite 39C
Lutherville, Maryland 21093

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Ruling on Motion for Reconsideration
Nicholas B. Mangione, et al, Petitioners
Case No. 92-466-SPH

Gentlemen:

Enclosed please find a copy of my Ruling on Motion for Reconsideration rendered in the above captioned matter.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
LAWRENCE E. SCHWITT
Zoning Commissioner

LES:mmm
att.
cc: Mr. Louis B. Mangione
cc: Mr. Barbara Poniatowski

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Tenbury Road, 171 ft. W of * ZONING COMMISSIONER
c/l of Ridgefield Road *
1205 York Rd. & 3 Greenridge Rd. * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District *
Nicholas B. Mangione, et al * Case No. 94-466-SPH
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1205 York Road and 3 Greenridge Road in the Lutherville section of Baltimore County. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to allow an amendment to the approved plan in case No. 87-335-SPH dated 11/2/88 to allow for temporary access to Tenbury Road from Parcel D; to allow permanent access from Parcel E to Greenridge Road; and to permit off street parking in a residential zone on Parcel E. The subject relief and property are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Louis Mangione, one of the property owners. Also present was Ed Haile and Jean Tansey from Daft, McCune and Walker and Glenn Cook, a traffic expert from The Traffic Group. The Petitioner was represented by Joseph C. LaVerghetta, Esquire. Appearing in opposition to the request were several neighbors of the surrounding locale known as Dulaney Village. They included Henry Bets, John R. and Margaret C. McDonnell, and Megan and Leland Strott. Cheryl Malone, President of the Dulaney Valley Improvement Association also appeared. The Protestants were represented by Michael P. Tanczyn, Esquire.

ORDER RECEIVED FOR FILING
Date 11/29/94
By Jm Shork

Mr. Mangione testified and presented the plan. He described the property, which is roughly "L" shaped and is approximately 4.34 acres in area. The property is comprised of 5 identifiable parcels, labeled A thru E on the site plan. The front of the site contains Parcel A and faces York Road from which vehicular access is obtained. From this York Road frontage, the property then extends easterly towards Tenbury Road and the residential community of Dulaney Village. Presently, there is no vehicular access from the site to Tenbury Road. Moreover, the rear of the property extends along Tenbury Road to Greenridge Road which intersects York Road just south of the Heaver Plaza. There is no present vehicular access to the site from Greenridge Road. The subject property is split zoned 0.1 and D.R.5.5. Parcel A, which is the largest individual parcel at 1.64 acres, is zoned 0.1 and contains a 72,000 sq. ft. office building. This building is known as 1205 York Road and has been in existence for many years. Some of the remaining portions of the property are utilized for parking and the balance is undeveloped.

Mr. Mangione also discussed the ownership of the subject property and 5 parcels which comprise same. Although in different names, the property is owned by various members of the Mangione family, including Louis Mangione's siblings and parents.

Mr. Mangione also discussed in detail the York Road near the frontage of this site. At this location, York Road contains seven lanes, three northbound, three southbound and a center lane from which left turns may be made in either direction. The curb lanes, both northbound and southbound provide ingress and egress to the Baltimore Beltway (I-695), which is located a short distance to the south. Mr. Mangione testified that traffic has significantly increased along the York Road since the prior order was issued in this case in 1988.

ORDER RECEIVED FOR FILING
Date 11/29/94
By Jm Shork

-2-

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Joe Lathrop	1205 York Rd
Ken Mangione	1205 York Rd
Steve Cook	The Plaque Shop
Ed Hulse / Jan Thayer	D.M.U.

Reconsideration 94-466SPH

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Patricia Proulx	221 Meadowdale Rd. 21093
Michael Toppa	102 York Rd. Baltimore, MD 21094

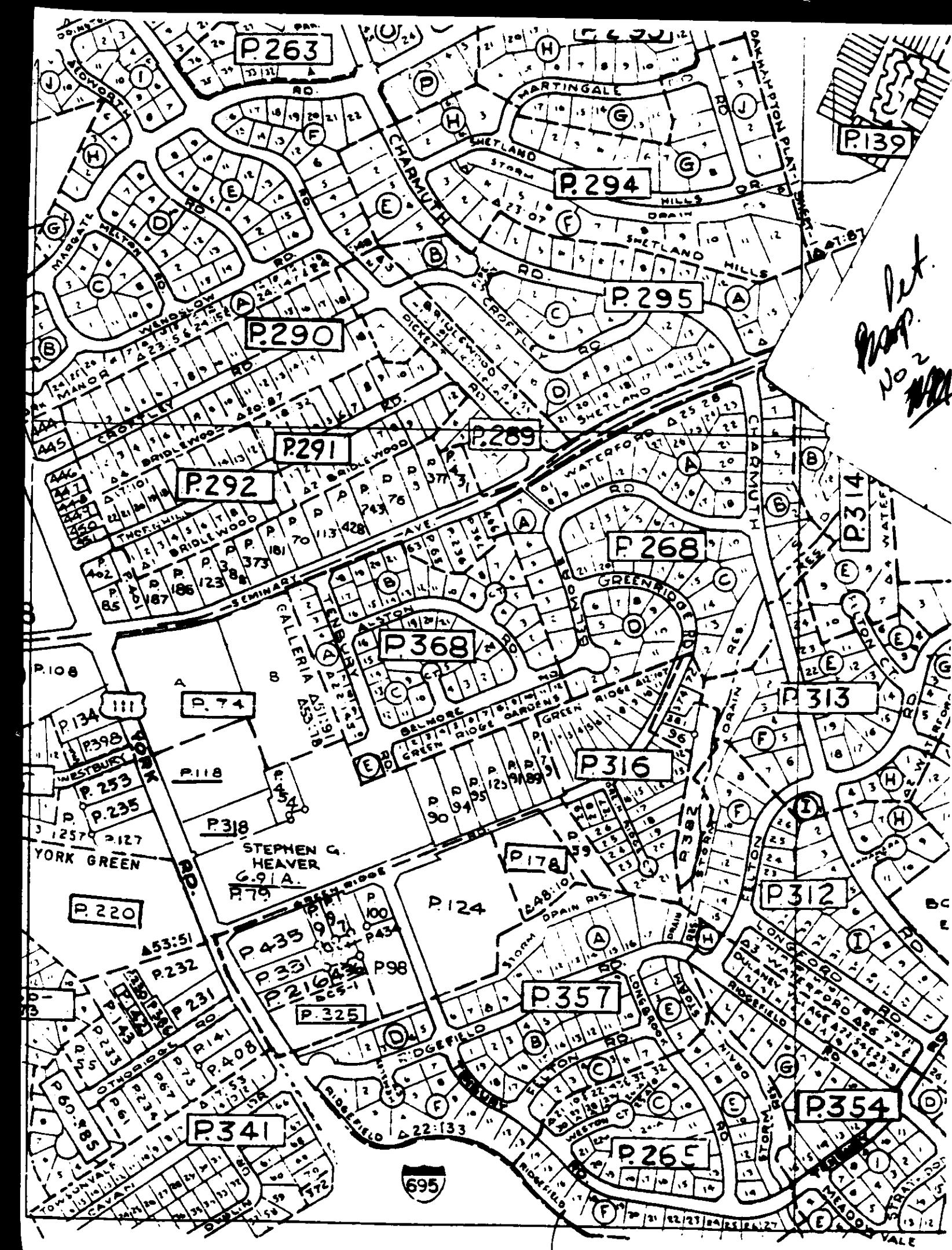
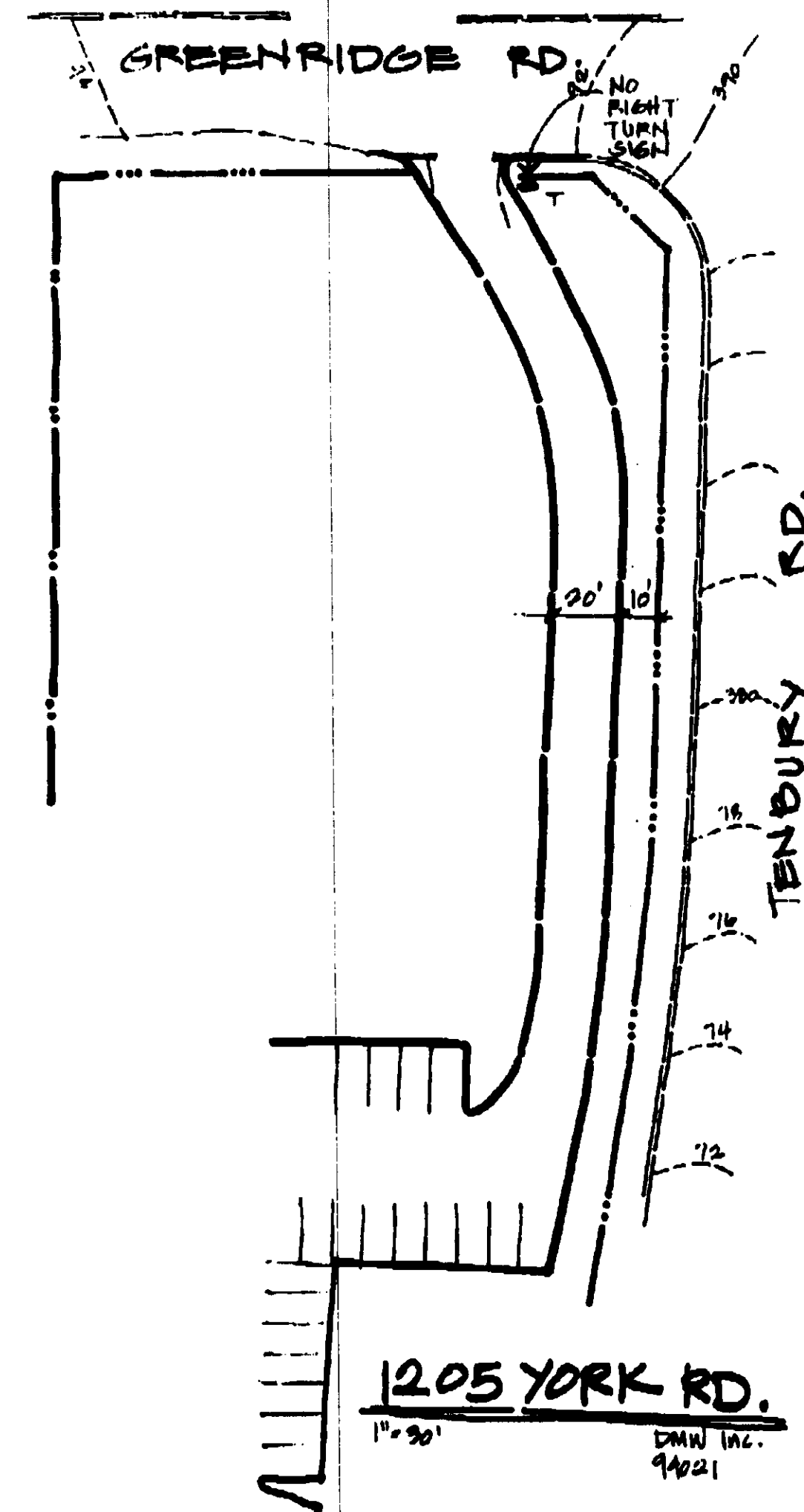
Meeting July 18, 1994

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
HENRY BETZ	221 MEADOWDALE RD. 21093
JOHN R Mc DONNELL	1209 LONGFORD RD 21093
Margaret C Mc Donnell	1209 Longford Rd. 21093
Cheryl Malone	201 E. Seminary Ave. 21093
Megan Strott	24 Greenridge Rd. 21093
Leland Strott	" " " "

74-466SPH



Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

October 11, 1994

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue, Suite 113
Towson, MD 21204

Re: Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Dear Commissioner Schmidt:

I have a Master's Hearing the morning of October 25, 1994 in the matter of Roe v. Roe, and Ms. Poniatowski has a teaching assignment that afternoon which precludes her attendance.

We would request that this matter be postponed to another date and time.

Further, could you advise if a new plat has been filed by Petitioners which meets the Zoning Commissioner's rules. If so, may we pick up a copy?

Very truly yours,

Michael P. Tanczyn

MPT/ed

cc: Joseph C. LaVerghetta, Esq.
Dulaney Valley Improvement Association

JOSEPH C. LAVERGHETTA, CHARTERED
ATTORNEY AT LAW
1205 YORK, SUITE 39C
LUTHERVILLE, MD 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

September 1, 1994

Zoning Commissioner for Baltimore County
Washington Avenue, Suite 113
Towson, Maryland 21204

ATTENTION: Lawrence E. Schmidt

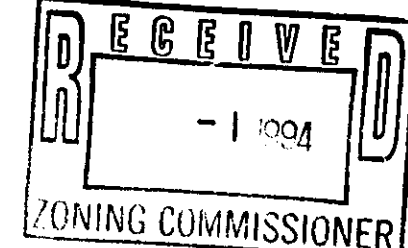
Re: Case No.: 94-466-SPH
Nicholas B. Mangione, et al
Petitioners

Dear Mr. Schmidt:

I have enclosed for your consideration a revision to the plan submitted in the above referenced case hearing. The purpose of this revised plan is to create a traffic isle accessing Greenridge Road from parcel D of 1205 York Road that achieves compliance with your Order of August 10th, 1994. The specific area of compliance is the creation of an exit on to Greenridge Road that will prohibit right turns (east bound) on to Greenridge Road, and yet will have an entrance apron allowing right turns into 1205, and if possible, left turns into 1205.

My client has had Daft McCune Walker Inc., and Ed Haile review this matter. As a result the attached revision is their recommendation. It is believed that this location will also involve minimal amount of ground disturbance, and allow the owners to commence implementing final landscaping along the west side of Tenbury Road.

It is also requested that you revise your order to make it clear that egress is permitted from Greenridge Road. I believe it is your intent that egress be permitted, however I would like to avoid any confusion with regard to this issue.



Zoning Commissioner for Baltimore County
September 1, 1994
Page 2

Lastly, I have enclosed an Order to Stay the time to file an appeal until further order of the Commissioner. I trust this is appropriate as I did not want to place an undue burden on your schedule in reviewing this request. Thank you for your consideration.

Very truly yours,

Joseph C. LaVerghetta

JCL/dmh

ENCLOSURE

cc: Lou Mangione
Mike Tanczyn

JOSEPH C. LAVERGHETTA, CHARTERED
ATTORNEY AT LAW
1205 YORK, SUITE 39C
LUTHERVILLE, MD 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

September 15, 1994

Zoning Commissioner for Baltimore County
Washington Avenue, Suite 113
Towson, Maryland 21204

ATTENTION: Lawrence E. Schmidt

Re: Petition for Special Hearing
Case No.: 94-466-SPH
Nicholas B. Mangione, et al
Petitioners

Dear Mr. Schmidt:

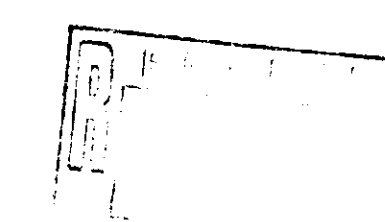
Hoping not to sound rude or impertinent, I am writing to request that whatever action you deem appropriate or necessary in order to consider the request of my September 8, 1994 letter, be expedited. The reason is rather simple: a number of accidents have occurred since the hearing with the most recent being 9/14/94, which resulted in bodily injury.

Thanking you in advance for your consideration.

Very truly yours,

LaVerghetta

*Reset for hearing
Tanczyn LaVerghetta*



JOSEPH C. LAVERGHETTA, CHARTERED
ATTORNEY AT LAW
1205 YORK, SUITE 39C
LUTHERVILLE, MD 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

September 22, 1994

Zoning Commissioner for Baltimore County
Washington Avenue, Suite 113
Towson, Maryland 21204

ATTENTION: Lawrence E. Schmidt

Re: Case No.: 94-466-SPH
Nicholas B. Mangione, et al
Petitioners

Dear Mr. Schmidt:

I do not take pleasure in continual letter writing, however it seems Mr. Tanczyn not only enjoys it but uses his letters as a forum to argue.

The short version of my response to his letters is that I disagree with them. In fact I find them to be self-serving, unnecessary and inflammatory.

My clients have done nothing more than, through me, their counsel, seek to have your office, if it deems it worthy, to reconsider the location of the isle and clarify certain aspects of your order. The decision to take further action is recognized to rest solely within your prerogatives. To that extent, I am requesting a hearing at which all parties can be present to articulate their pros and cons. If you are so inclined, I would ask it not be set for the week of October 3, 1994 through October 7, 1994, as Louis Mangione will be out of the state. Otherwise, I am asking for an expeditious hearing date, in the hope that you act favorably upon my client's request. Therefore, the work can be completed, putting the new access into operation before the winter. Since my last letter there has been another accident.

With respect to Mr. Tanczyn's letter referencing a prior case, I am left in a quandary to its purpose or intent with respect to the issue before you.

Very truly yours,

Joseph C. LaVerghetta

JCL/dmh
cc: Lou Mangione
Mike Tanczyn

JOSEPH C. LAVERGHETTA, CHARTERED
ATTORNEY AT LAW
1205 YORK, SUITE 39C
LUTHERVILLE, MD 21093

TEL: (410) 825-8400

FAX: (410) 825-8407

October 14, 1994

Zoning Commissioner for Baltimore County
Washington Avenue, Suite 113
Towson, Maryland 21204

ATTENTION: Honorable Lawrence E. Schmidt

Re: Case No.: 94-466-SPH

Dear Mr. Schmidt:

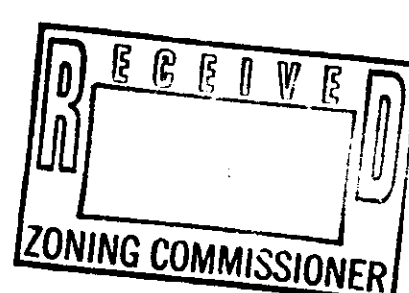
In response to Mr. Tanczyn's letter seeking a postponement of the October 25th hearing, I have discussed with Mr. Tanczyn available dates for rescheduling.

On the following dates my client, their witnesses and I are available as I believe Mr. Tanczyn is. Mrs. Poniatowski, however, has the limitations as shown:

October 27th: Only in the morning until 12:30 p.m.
November 3rd: Available from 11:30 a.m. to close of day
November 7th: Unavailable

After the 9th of November the next available date is November 28th for everyone (except at this writing I am uncertain about Ed Haile). Most of this time loss is due to Mrs. Poniatowski being away.

I realize you must balance certain equities in scheduling to provide all interested parties the opportunity to attend and be heard. I again stress that my client and I believe a timely hearing is quite important to the extent that Mrs. Poniatowski has been the spokesperson for DVIA, it is DVIA that is the interested



Zoning Commissioner for Baltimore County
October 14, 1994
Page 2

party and it's board can appoint another spokesperson in her absence. In fact, there are others who have been involved for as long. If the schedule can accommodate Mrs. Poniatowski for October 27th or November 3rd, we have no objections. If it cannot, then I must request a timely hearing notwithstanding her schedule.

Very truly yours,

Joseph C. LaVerghetta

JCL/dmh

cc: Lou Mangione
Mike Tanczyn

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Kellier, Director
Office of Planning and Zoning

DATE: June 14, 1994

SUBJECT: 1205 York Road & 3 Greenridge Road

INFORMATION:

Item Number: 452

Petitioner: Mangione Property

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant's site is located within an area designated as a Community Conservation Area in the Baltimore County Master Plan 1989-2000.

As is noted on the plat accompanying this petition, there is a lengthy zoning history regarding Parcel A-D. The most recent hearing, 87-335SPH was adjudicated by the Circuit Court (88CO4761). Access to Tenbury Road and the preservation of the residential character of that local street were issues in that prior case, and these same issues are currently being revisited in the subject case.

In addition to the issues pertaining to parcel (A-D), the applicant seeks a use permit to allow off street parking on Parcel E, and to permit permanent access from Parcel E to Greenridge Road. In terms of the access issue, staff recommends that the petitioner work with the State Highway Administration and Baltimore County to develop solutions to on-going traffic safety related issues. Access to Greenridge Road may be useful in improving site access, however, it seems premature to consider the use permit for parking until such time as further development takes place.

Post-Net brand fax transmittal memo 7071 (Page 1 of 2)	
To: Mr. Tanczyn	From: Pat Kellier
Subject: 94-466-SPH	File: 94-466-SPH
Date: 10/14/94	Time: 11:00 AM
Page: 2 of 2	Page: 1 of 1

JUL-85-94 TUE 10:50 ID:PLANNING

TEL NO: 410-887-5662

#744 P82

Any access to Tenbury Road, whether it be temporary or permanent, should be denied. Tenbury Road is a residential street and this unwarranted intrusion would negatively impact the well maintained community of Dulaney Village.

Prepared by:

Division Chief:

PK/JUL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
3 Greenridge Road * ZONING COMMISSIONER
W/S Tenbury Road, 171 feet W of c/l of *
Ridgefield Road, 9th Election Dist., * FOR BALTIMORE COUNTY
4th Councilmanic Dist. *
Nicholas B. Mangione and Louis Mangione * CASE NO.: 94-466-SPH
Petitioners * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Joseph C. LaVerghetta, Esquire, 1205 York Road, Lutherville, MD 21093, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 8, 1994

(410) 887-4386

Joseph C. LaVerghetta, Esquire
1205 York Road
Lutherville, Maryland 21093

RE: Petition for Special Hearing
Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Dear Mr. LaVerghetta:

Reference is made to your letter dated September 1, 1994 regarding the above matter.

Enclosed is a copy of my Order for Staying Time for Appeal which I have issued. This is the Order which was submitted by you with the revised site plan and was entered on September 6, 1994. I have signed this Order in view of the running of the 30 day appeal time and to allow myself and interested persons an opportunity to comment on the revised plan. As you know, my original Order required that the exit to the site from Greenridge Road be limited to a left turn only out movement to prevent traffic from entering the community.

I also believe that it is appropriate to give Mr. Tanczyn and his clients an opportunity to review and comment on the site plan. As you recall, they appeared as interested persons at the hearing and I will, therefore, permit them to provide either written comment and/or request that the hearing be reconvened to consider this issue. In the interim, the signed Order of Stay will preserve this matter for my jurisdiction, while allowing all parties their rights of appeal. Ultimately, I will issue another Order accepting/rejecting/modifying the revised plan and incorporating the terms of my original Order.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mn
encl.

cc: Michael P. Tanczyn, Esquire, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204



Printed on Recycled Paper

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Tenbury Road, 171 ft. W of * ZONING COMMISSIONER
c/l of Ridgefield Road *
1205 York Rd. & 3 Greenridge Rd. * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District * CASE NO.: 94-466-SPH
Nicholas B. Mangione, et al *
Petitioners *

FOR STAYING TIME FOR APPEAL

IT IS THIS 6th day of Sept., 1994 by the Zoning Commissioner

ORDERED,

THAT the time for filing an appeal in the above captioned matter is stayed until

further order of this Commissioner.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

May 31, 1994

Office of Zoning Commissioner
Attention of Gwen Stevens
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-466SPH, Item 452

Dear Ms. Stevens:

I have just been retained to represent Dulaney Valley Improvement Association in the above matter, which is presently scheduled for hearing on June 28, 1994 at 10:00 a.m.

I have a planned, pre-paid vacation with my family out of state from June 25, 1994 through July 3, 1994 and would, therefore, request that this hearing be postponed to another date and time.

I have contacted counsel for the Petitioner who is reserving on whether he will agree to the postponement or not.

Your anticipated cooperation with this request is appreciated.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

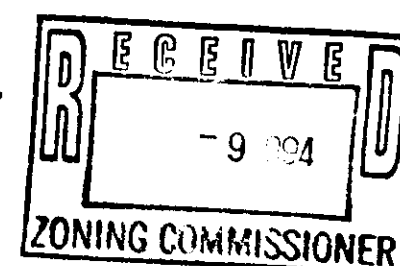
MPT/ed

cc: Dulaney Valley Improvement Association
Ms. Barbara Poniatowski
Joseph C. LaVerghetta, Esq.

RECEIVED
JUN 1 1994
ZADM

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848



September 6, 1994

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue, Suite 113
Towson, MD 21204

Re: Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Dear Commissioner Schmidt:

I just received Mr. LaVerghetta's letter dated September 1, 1994, which was postmarked and mailed to me on Saturday, September 3, 1994. I have forwarded those to my clients for comment. While awaiting a response from my clients, there are numerous reasons why the Petitioners' request should be denied.

This case was proceeded before you on a documented site plan which had been considered by the County agencies who had commented upon it. By placing the plat before you at the time of the hearing with the drawing attached to Mr. LaVerghetta's letter, you would quickly discern that:

A. The Petitioners have drastically moved the driveway for the requested egress from the lower parking lot to Greenridge Road.

B. The porchtop proposed in your Order to specifically prevent right turns is missing and that the redrawn access point accepts left turns, right turns from all directions as was the hope of the Petitioners at the end of their first paragraph for left turns into the parking lot, which must of necessity be by drivers driving through the community.

C. If the Petitioners want to drastically alter their plan providing the access aisle all the way over as close to Tenbury Road as shown on their unsealed drawing, without angles, distances and closure being displayed, that would call for the consideration of an entirely different and new matter than that decided by Your Honor.

Honorable Lawrence E. Schmidt
Re: Case No. 94-466-SPH

September 6, 1994
Page 2

I would urge you, therefore, to deny this request. The Order clearly states what is required by way of a porchtop to insure that what the Petitioners said they wanted at the hearing (namely, access to York Road) would be the sole result for traffic exiting this site.

Variations suggested by the Petitioner would amount to a material change to a plat and Petition and would not only require a brand new hearing, but would be a replay of the "Mangione Mambo" in which, if the Petitioners do not get what they request, they ask for a "do-over" as the Petitioners have in this instance.

The only thing stopping a vehicle driver from making a right turn under their revised drawing is their conscience.

We therefore respectfully request that you dispatch this design to the denizen of deepest denial.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed

cc: Joseph C. LaVerghetta, Esq.
Dulaney Valley Improvement Association

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

September 19, 1994

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue, Suite 113
Towson, MD 21204

Re: Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Dear Commissioner Schmidt:

Thank you for giving my clients an opportunity to respond to the post-decision requests of the Petitioners.

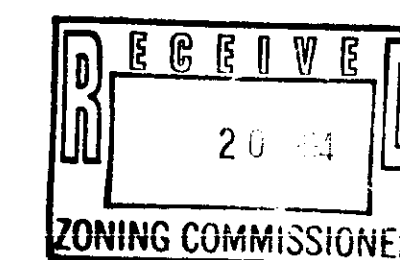
The Petitioners' requests were studied and received County comment prior to your hearing. The present requests of the Petitioners have not only been presented in an incomplete and haphazard way but they have also not been presented to the County departments for review and comment.

It seemed that your decision clearly denied the Tenbury access and the parking lot and approved the aisle access from the existing parking lots to the point shown on the Petitioners' plat to access Greenridge with provisions made to insure traffic would be directed toward York Road only.

The Petitioners' requests, improperly furthered by the unsworn testimony of counsel, was attempted by the Petitioners in the nursing home case on its appeal to the Circuit Court. The Circuit Court tried to accommodate the Petitioners with a remand order which was found to be improper by the Court of Special Appeals in *People's Counsel et al v. Mangione*, 85 Md. App. 738, 584 A.2d 1318 (1991).

I do not believe that the Petitioners' attempts give fair notice or opportunity to be heard.

Alternatively, if allowed, this would merely become the latest never-ending Mangione



Honorable Lawrence E. Schmidt
Re: Case No. 94-466-SPH

September 19, 1994
Page 2

case.

We urge you to affirm yourself and my clients are opposed not only to reconsidering post-decision requests generally and more certainly are opposed to considering drawings without angles, distances, or closure of the type propounded by the Petitioners.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed

cc: Joseph C. LaVerghetta, Esq.
Dulaney Valley Improvement Association

SEPTEMBER 30, 1994

NOTICE OF HEARING
ON MOTION FOR RECONSIDERATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, Office located at 400 Washington Avenue, Towson, Maryland, as follows:

CASE NUMBER: 94-466-SPH (Item 452)
3 Greenridge Road
W/S Tenbury Road, 171 feet W of c/l of Ridgefield Road
9th Election District - 4th Councilmanic
Legal Owner(s): Nicholas B. Mangione and Louis Mangione

Special Hearing to amend the approved plan in case #87-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

HEARING: TUESDAY, OCTOBER 25, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Joseph C. LaVerghetta, Esq.
Michael P. Tanczyn, Esq.

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21201

(410) 887-3353

June 17, 1994

Joseph C. LaVerghetta
1205 York Road
Lutherville, MD 21093

RE: Case No. 94-466-SPH, Item No. 452
Petition for Special Hearing
Petitioner: Nicholas B. Mangione

Dear Mr. LaVerghetta:

The above-referenced petition and accompanying plans were accepted for filing on May 20, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties; i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 445, 448, 449, 450, 451, 452, 453, AND 454.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4801, MS-1102F

cc: File

RECEIVED
MAY 27 1994
ZADM

Printed with Recycled Ink
on Recycled Paper

5-25-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +452 (J.T.)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID N. RAMSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: June 14, 1994

SUBJECT: 1205 York Road & 3 Greenridge Road

INFORMATION:

Item Number: 452

Petitioner: Mangione Property

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The applicant's site is located within an area designated as a Community Conservation Area in the Baltimore County Master Plan 1989-2000.

As is noted on the plat accompanying this petition, there is a lengthy zoning history regarding Parcels A-D. The most recent hearing, 87-335SPH was adjudicated by the Circuit Court (88CG4761). Access to Tenbury Road and the preservation of the residential character of that local street were issues in that prior case, and these same issues are currently being revisited in the subject case.

In addition to the issues pertaining to parcel (A-D), the applicant seeks a use permit to allow off street parking on Parcel E, and to permit permanent access from Parcel E to Greenridge Road. In terms of the access issue, staff recommends that the petitioner work with the State Highway Administration and Baltimore County to develop solutions to on-going traffic safety related issues. Access to Greenridge Road may be useful in improving site access, however, it seems premature to consider the use permit for parking until such time as further development takes place.

Any access to Tenbury Road, whether it be temporary or permanent, should be denied. Tenbury Road is a residential street and this unwarranted intrusion would negatively impact the well maintained community of Dulaney Village.

Prepared by: *Jeffrey M. Z...*

Division Chief: *Pat Keller*

PK/JL:lw

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 21, 1994

(410) 887-4386

Joseph C. LaVerghetta, Esquire
1205 York Road, Suite 39C
Lutherville, Maryland 21093

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Case No. 94-466-SPH
Nicholas B. Mangione, et al, Petitioners

Gentlemen:

Confirming telephone conversations this date, it is agreed by all parties concerned that the Motion for Reconsideration, regarding the above captioned case, has been rescheduled for Thursday, October 27, 1994 at 11:00 A.M., in Room 106 of the County Office Building, at 111 W. Chesapeake Avenue in Towson.

Very truly yours,
Marlene C. Novak
Marlene C. Novak
Secretary to
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: Owen Stephens, Docket Clerk
Office of ZADM

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

December 2, 1994

(410) 887-4386

Joseph C. LaVerghetta, Esquire
1205 York Road, Suite 39C
Lutherville, Maryland 21093

RE: Ruling on Motion for Reconsideration
Nicholas B. Mangione, et al, Petitioners
Case No. 92-466-SPH

Dear Mr. LaVerghetta:

This is to follow up on our recent telephone conversation regarding the above matter. You are, indeed, correct that my ruling on the Motion for Reconsideration erroneously labeled the location of the proposed access road. As clearly shown on the site plan, the access road will be on the eastern portion of the site, and not the west side of the property; i.e., Tenbury Road near the eastern perimeter of the tract. I appreciate your drawing my attention to this mis-statement and I emphasize that construction must be in accordance with the terms of my Order and the amended site plan.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

DMW

Delt McCune Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Description
To Accompany Petition for Special Hearing
4.34 Acre Parcel
Held Property
West Side of Tenbury Road
North of Ridgefield Road
Ninth Election District, Baltimore County, Maryland

Beginning for the same on the west side of Tenbury Road (50 feet wide) at a point distant 171 feet, more or less, as measured North 24 degrees West from the intersection of the centerline of said Tenbury Road and the centerline of Ridgefield Road (50 feet wide), thence leaving said point of beginning and the west side of Tenbury Road (1) South 75 degrees 31 minutes West 550.34 feet to the east side of York Road, thence running and binding on said east side the four following courses and distances, viz: (2) North 25 degrees 12 minutes West 10.27 feet, more or less, thence (3) North 24 degrees 03 minutes West 50.01 feet, more or less, thence (4) North 25 degrees 12 minutes West 100.00 feet, more or less, and thence (5) North 24 degrees 03 West 19.05 feet, more or less, thence leaving said east side of York Road and running the four following courses and distances, viz: (6) North 74 degrees 58 minutes East 248.00 feet, more or less, thence (7) North 15 degrees 04 minutes West 170.00 feet, more or less, thence (8) North 76 degrees 56 minutes East 190.00 feet, more or less, and thence (9) North 15 degrees 04 minutes West 161.00 feet, more or less, to the south side of Greenridge Road, thence running and binding on said south side (10) North 74 degrees 56 minutes East 149.00 feet, more or less, to the said west side of Tenbury Road and running and binding on said

Page 1 of 2

west side the five following courses and distances, viz: (11) South 59 degrees 59 minutes 55 seconds East 28.18 feet, more or less, thence (12) South 15 degrees 04 minutes East 151.00 feet, more or less, thence (13) Southeasterly by a curve to the right with the radius of 929.93 feet, for a distance of 157.34 feet, more or less, the arc of said curb being subtended by a chord bearing South 10 degrees 13 minutes 06 seconds East 157.15 feet, more or less, thence (14) Southeasterly by a curve to the left with the radius of 979.93 feet, for a distance of 153.80 feet, more or less, the arc of said curve being subtended by a chord bearing South 09 degrees 52 minutes 05 seconds East 153.64 feet, more or less, and thence (15) South 14 degrees 21 minutes 54 seconds East 31.54 feet, more or less, to the point of beginning; containing 4.34 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
May 19, 1994
Project No. 94021



Page 2 of 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 6/24/94
Posted for: Special Hearing
Petitioner: Nicholas B. Mangione
Location of property: 1205 York Rd, + 3 Greenridge Rd
Location of Sign: Along Tenbury, on property being zoned
Remarks: _____
Posted by: MDP Date of return: 7/1/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 3, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 2, 1994.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-466-SPH (Item 452)
1205 York Road and 3 Greenridge Road
W/S Tenbury Road, 171 feet W of c/l of Ridgefield Road
9th Election District - 4th Councilmanic
Legal Owner(s): Nicholas B. Mangione and Louis Mangione
HEARING: TUESDAY, JUNE 28, 1994 at 10:00 a.m., Rm. 118 Old Courthouse
Special Hearing to amend the approved plan in case 887-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

111 West Chesapeake Avenue
Towson, MD 21204
May 26, 1994

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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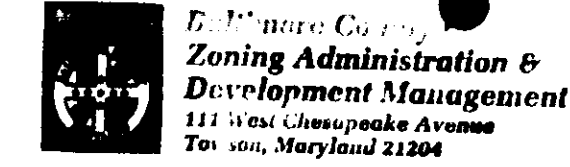
Special Hearing to amend the approved plan in case 887-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

Arnold Jablon
Arnold Jablon
DIRECTOR

cc: Nicholas B. Mangione and Louis Mangione
Joseph C. LaVerghetta, Esquire

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Printed with Raytheon Ink
on Recycled Paper



receipt

Account: R-0014190
Date: 5-20-94 Number: 452
Owner: Nicholas B. Mangione
Site: 1205 York Rd and
3 Greenridge Rd (same site)
040 - Commercial Special Hearing filing fee \$250.00
080 - 2 Signs & posting @ \$35 each \$70.00
\$320.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 452

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph C. LaVerghetta

ADDRESS: 1205 York Road

Lutherville MD 21093

* PHONE NUMBER: 825-8400

MUST BE SUPPLIED

TO: PUBLISHER PUBLISHING COMPANY
June 2, 1994 Issue - Jeffersonian

Please forward billing to:
Joseph C. LaVerghetta
1205 York Road
Lutherville, Maryland 21093
825-8400

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-466-SPH (Item 452)
1205 York Road and 3 Greenridge Road
W/S Tenbury Road, 171 feet W of c/l of Ridgefield Road
9th Election District - 4th Councilmanic
Legal Owner(s): Nicholas B. Mangione and Louis Mangione
HEARING: TUESDAY, JUNE 28, 1994 at 10:00 a.m., Rm. 118 Old Courthouse

Special Hearing to amend the approved plan in case 887-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

LAMERCE E. SCHIEDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204
May 26, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Special Hearing to amend the approved plan in case 887-335-SPH to allow for temporary access to Tenbury Road from Parcel D; to permit permanent access from Parcel E to Greenridge Road; and to permit off-street parking in a residential zone - Parcel E.

Arnold Jablon
Arnold Jablon
DIRECTOR

cc: Nicholas B. Mangione and Louis Mangione
Joseph C. LaVerghetta, Esquire

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Printed with Raytheon Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 1, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-466-SPH (Item 452)
3 Greenridge Road
W/S Tenbury Road, 171 feet W of c/l of Ridgefield Road
9th Election District - 4th Councilmanic
Legal Owner(s): Nicholas B. Mangione and Louis Mangione
HEARING: MONDAY, JULY 18, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Nicholas B. Mangione and Louis Mangione
Joseph C. LaVerghetta, Esq.
Michael Tanczyn, Esq.

Printed with Raytheon Ink
on Recycled Paper

As to the zoning history of the property, the original building was approved in 1973 and there have been three subsequent zoning hearings as to the expansion of parking and modification of the site plan since that time.

Based upon the increased traffic counts, Mr. Mangione proposes additional improvements to the site as outlined in the Petition for Special Hearing. The first request relates to a temporary access onto Tenbury Road. Presently, the parking lot for the 1205 York Road building extends towards the rear of the site, however, vehicular access to Tenbury Road is not provided. Rather, a row of landscaping and sidewalk separates the end of the asphalt parking area and Tenbury Road. Mr. Mangione argues that it would be simple to cut through this strip to Tenbury Road and provide an immediate means of access to the site from that roadway. This would alleviate the overcrowding and traffic congestion in front of the site occasioned by vehicles entering and exiting the property from York Road.

As a long term solution, Mr. Mangione proposes constructing a permanent access from Greenridge Road as shown on the site plan. Moreover, an additional parking area will be provided on this part of the property, known as Parcel E. Access to Greenridge Road will allow users of the building to exit the site by Greenridge Road and enter York Road through the signalized intersection at York and Greenridge Roads. Moreover, a parking lot can be constructed on Parcel E to serve not only the subject site, but contemplated development on other parcels. Specifically, the Mangione family also has an interest in property immediately north of 1205 York Road formerly owned by Mr. and Mrs. Charles W. Held. Although Mr. and Mrs. Held apparently have a life estate in this property, it is envisioned that upon their deaths, the property will be commercially developed.

-3-

oped. The proposed parking lot on Parcel E could serve not only this development but also overflow parking from 1205 York Road.

On cross examination, Mr. Mangione discussed the mix of tenants in the 1205 York Road building. Clearly, the building has become more oriented to house members of the medical profession. Although there are a few non-medical offices in the building, including the Mangione family's business headquarters, the predominant use of the building is doctor's offices and similar facilities. Also, Mr. Mangione acknowledged that the existing parking is more than sufficient to accommodate present needs. Photographs submitted at the site show that the lot is not fully utilized and there were many empty spots when I visited the site, both prior to the hearing when I consulted a physician and after the hearing when I conducted a site visit.

Also testifying on behalf of the Petition was Glenn Cook of The Traffic Group, Inc. Mr. Cook testified that the present ingress/egress point is not the most desirable intersection from a traffic standpoint. He discussed the high volumes of traffic on the York Road which have increased over the recent years. He corroborated Mr. Mangione's testimony that there has been significant amount of development within close proximity to the subject site. This includes the Towson Commons and Towson Town Center to the south, as well as residential and commercial development to the north. Due to this construction, Mr. Cook opined that the traffic volumes on York Road have increased greatly making the present point of access often difficult at peak hours. In this regard, Mr. Cook conducted certain traffic studies and testified as to the volumes in and out of the site and their left/right turning movements during peak hours. Mr. Cook's testimony in this respect is fully recounted within the record of the case.

-4-

Lastly, testifying on behalf of the Petition was Edward Haile, the President of Daft, McCune, Walker and a professional engineer. Mr. Haile generally discussed that portion of the special exception regarding the proposed parking area for Parcel E. He noted that, from an engineering standpoint, it made sense to develop the parking lot on Parcel E, at this time, if access was being provided to Greenridge Road. This would prevent development of Parcel E by way of a piecemeal approach and would allow the property owner to make all improvements at one time. Mr. Haile did acknowledge, under the parking calculations shown on the plan, that additional spaces were not needed on Parcel E to accommodate the parking requirements for 1205 York Road.

There was also testimony offered by the Protestants. They described the existing community of Dulaney Village and access thereto. They vehemently oppose any access to Tenbury Road, be it temporary or permanent. They believe that such an access would allow patrons of 1205 York Road to enter their community thereby increasing traffic congestion within this residential community. Moreover, they oppose construction of an additional parking lot on Parcel E as unnecessary at this time. As to Greenridge Road, they believe that access should only be allowed if right turns from the site onto Greenridge Road and into the community were prohibited.

In considering the nature of the proposed request, I must adjudge the merits of same based upon the requirements of Section 502.1 of the BCZR. Those requirements relate to Petitions for Special Exception. In this case, the original special exception was granted for the office building at 1205 York Road and the proposed request relates to an alteration of that site plan. The Petitioner need not offer expert opinion as to those standards, however, I must evaluate the factual testimony offered within that context.

-5-

In this case, I am not persuaded that the temporary access to Tenbury Road is warranted or appropriate. I am well aware of the busy volume of traffic on York Road in front of this site, in that I travel on this roadway on nearly a daily basis. Although admittedly, this is a busy thoroughfare, I do not see an emergency need as claimed by the Petitioners which would require immediate access from the site to Tenbury Road. The potential drawbacks from such a temporary access outweigh the benefits. Tenbury Road is indeed a narrow roadway which leads to the heart of a residential community. It is easy to get lost in that community if one is unfamiliar with the road network. For these reasons, the safety of the residential streets and community could be jeopardized if access from the parking lot serving this building was provided to Tenbury Road. For these reasons, I will deny the Petition for Special Hearing as it relates to Tenbury Road access, be it temporary or permanent.

As to the Greenridge Road access, I believe that the Petitioners are justified in requesting same. It seems appropriate to allow a second access to this site and the many offices which are contained within the 1205 York Road building. Moreover, the intersection at Greenridge Road and York Road is signalized and will provide a safer means of access for patrons of the offices in the building. Thus, I am persuaded to grant the Petitioners' request to allow access from Greenridge Road in this case.

However, I shall limit the access to a left turn out movement only. The Petitioners shall engineer its plans so as to provide a "porkchop" or similar traffic entrance in order to prohibit traffic from exiting the site and turning right onto Greenridge Road. I paid particular attention to this road during my site visit. An unfamiliar traveler who turns right out of the site onto Greenridge Road will surely get lost within the maze of roads in the Dulaney Village community. Moreover, an overwhelming

-6-

majority of the patrons who use 1205 York Road will probably want to return to York Road and the major roads nearby, anyway. Thus, although granting the special hearing to allow access onto Greenridge Road, I shall allow only left turn out from the site onto that roadway.

As to the Petitioners' final request and the parking lot on Parcel E, it is simply not needed at this time. To build an additional parking lot at this point does not make good planning sense, although I am appreciative of Mr. Haile's testimony from an engineering standpoint. In my view, a proper decision, in this respect, is to allow the Petitioners to construct the necessary aisle connecting Greenridge Road and the existing parking lots, but engineer same so that it can accommodate a future parking lot on Parcel E. That is, the aisle way can be engineered so as to accommodate future enlargement of the parcel to provide parking spaces. However, the actual parking areas, itself, should not be constructed at this time. There is no need to justify an additional macadam area, and is not appropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of August, 1994 that, pursuant to the Petition for Special Hearing, approval for an amendment to the approved plan in case No. 87-335-SPH dated 11/2/88 to allow for temporary access to Tenbury Road from Parcel D, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that approval to allow permanent access from Parcel E to Greenridge Road as shown on the accompanying plat, be and is hereby GRANTED; and,

-7-

IT IS FURTHER ORDERED that approval to permit off street parking in a residential zone on Parcel E, be and is hereby DENIED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall limit the entrance/exit to the site from Greenridge Road to a left turn only/out movement. The Petitioners shall alter the site plan so as to provide a "porkchop" or similar traffic entrance in order to prohibit traffic from exiting the site and turning right onto Greenridge Road.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

-8-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
401 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 5, 1994

Joseph C. LaVerghetta, Esquire
1205 York Road
Lutherville, Maryland 21093

Michael P. Tanczyn, Esquire, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Case No. 94-466-SPH
Petition for Special Hearing
Nicholas B. Mangione, et al, Petitioners

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in part, and denied, in part, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

cc: Mr. Louis Mangione
Mr. Ed Haile and Ms. Jean Tansey, Daft, McCune, Walker
Mr. Henry Betz
Mr. and Mrs. John R. McDonnell
Mr. and Mrs. L. Strott
Mrs. Cheryl Malone, President, Dulaney Valley Improvement Assn.



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 1205 York Road and 3 Greenridge Road
which is presently zoned DR-5-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. To amend approved plan in Case No. 87-335-SPH dated 11/2/88 To allow for temporary access to Tenbury Road; From Parcel D on Plat accompanying this Petition For Special Hearing.
2. To permit permanent access from Parcel E to Greenridge Road as shown on Plat accompanying this Petition For Special Hearing.
3. To permit off street parking in a residential zone - Parcel E of Plat to accompany this Petition For Special Hearing. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, printing, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

Legal Owner(s)

(Type or Print Name)

Signature

Address

City

State

Zip Code

Name

Address

City

State

Zip Code

Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING

the following date

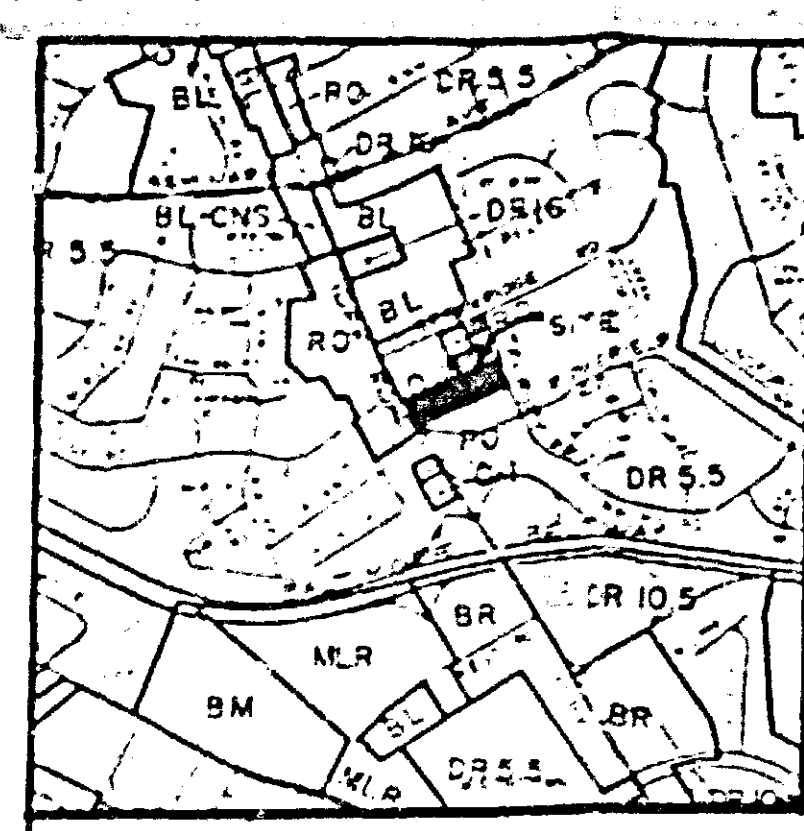
ALL

REVIEWED BY

DATE

1205 YORK RD

94021



VICINITY MAP
FOURTH EDITION

PROPOSED LOT SIZES
LOT 1: 150' x 100' (15,000 SF)
LOT 2: 150' x 100' (15,000 SF)
LOT 3: 150' x 100' (15,000 SF)
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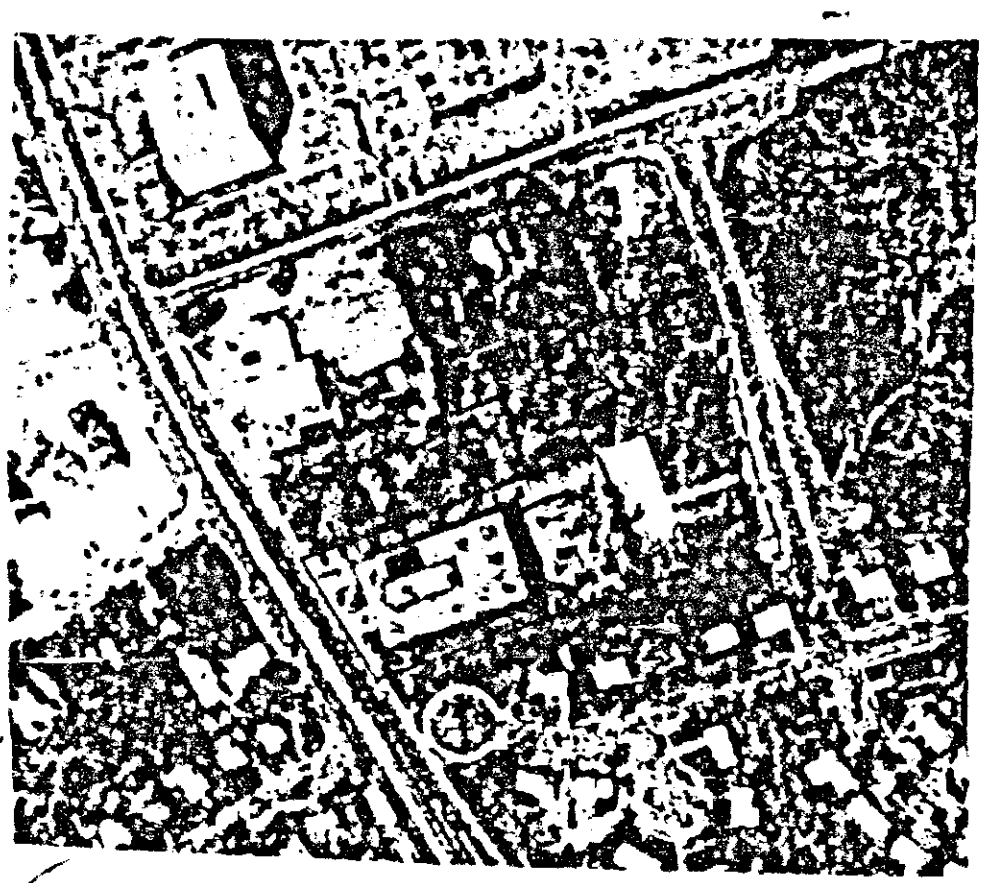
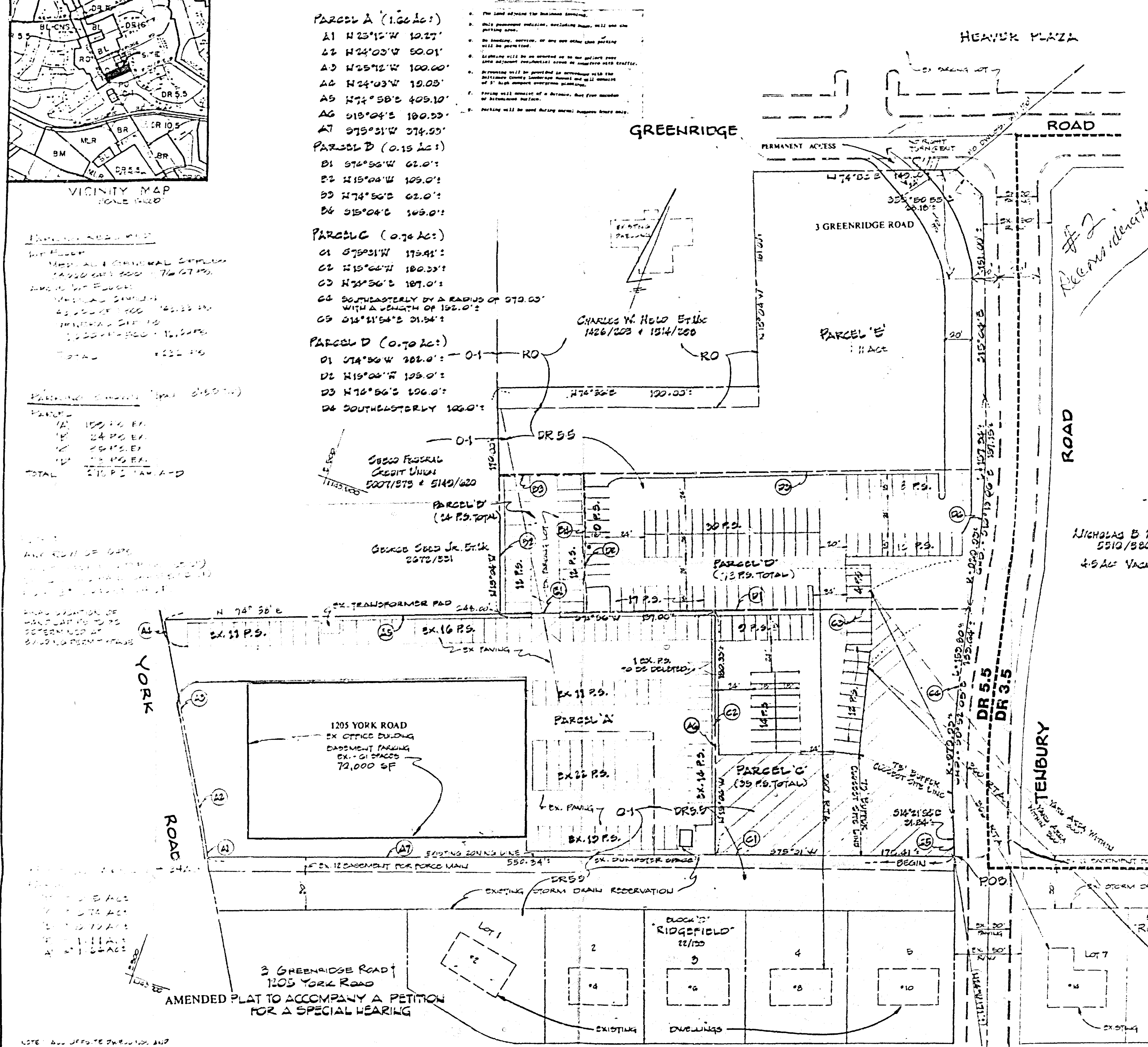
PARCEL A (1.66 AC)
A1 N 23° 15' W 10.25'
A2 N 24° 03' W 50.01'
A3 N 25° 12' W 100.00'
A4 N 24° 03' W 19.05'
A5 N 74° 58' E 405.10'
A6 S 15° 04' E 100.00'
A7 S 75° 31' W 374.55'

PARCEL B (0.76 AC)
B1 S 76° 56' W 62.01'
B2 N 15° 04' W 105.01'
B3 N 74° 58' E 62.01'
B4 S 15° 04' E 105.01'

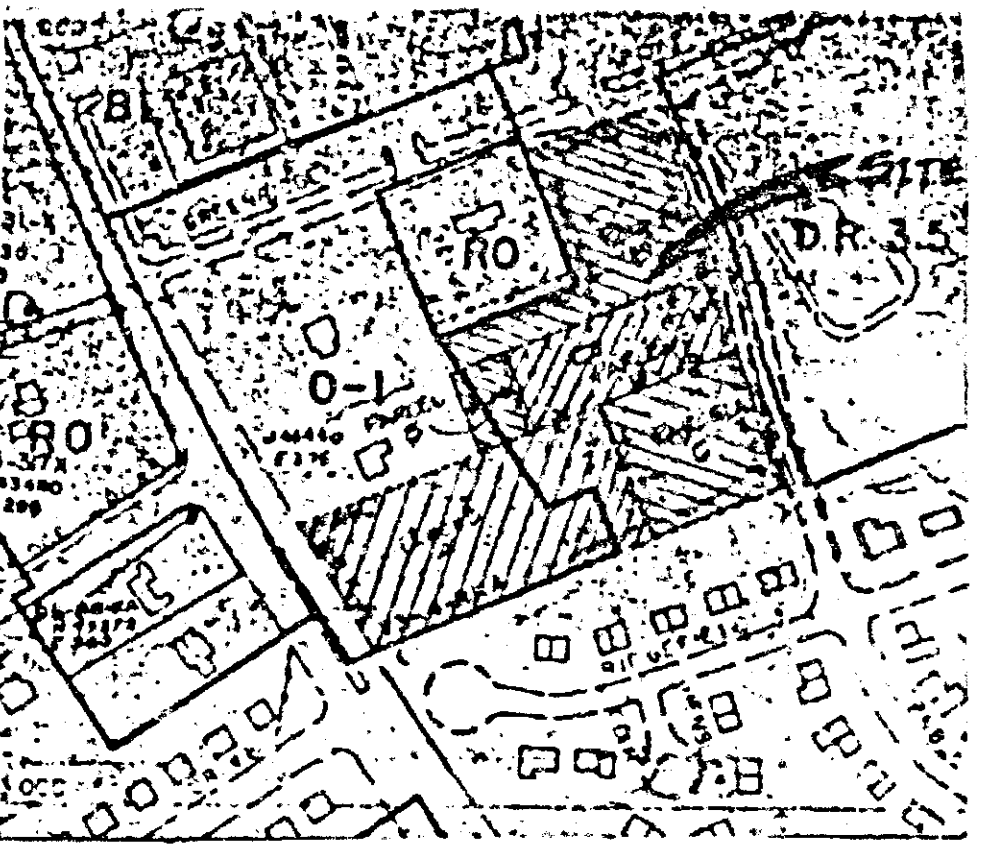
PARCEL C (0.76 AC)
C1 S 75° 31' W 175.41'
C2 N 15° 04' W 100.01'
C3 N 74° 58' E 107.01'
C4 SOUTHEASTERLY BY A RADIUS OF 970.00'
WITH A LENGTH OF 192.01'
C5 S 13° 41' E 21.54'

PARCEL D (0.76 AC)
D1 S 74° 58' W 102.01' - 0-1 RO
D2 N 15° 04' W 105.01'
D3 N 74° 58' E 106.01'
D4 SOUTHEASTERLY 100.01'

- GENERAL NOTES
- The land shown on this map is the property of the City of Baltimore.
 - All proposed easements, including those for utility lines, shall be shown on the map.
 - No building, structure, or any other use shall be permitted on the land shown on this map.
 - The City of Baltimore will be responsible for the maintenance of the utility lines shown on this map.
 - The City of Baltimore will be responsible for the maintenance of the storm drain system shown on this map.
 - The City of Baltimore will be responsible for the maintenance of the parking lot shown on this map.
 - The City of Baltimore will be responsible for the maintenance of the road shown on this map.
 - The City of Baltimore will be responsible for the maintenance of the sidewalk shown on this map.
 - The City of Baltimore will be responsible for the maintenance of the street lighting shown on this map.
 - The City of Baltimore will be responsible for the maintenance of the public works shown on this map.



P/O NE HA 1935 PHOTOGRAPHIC MAP
1"=200'



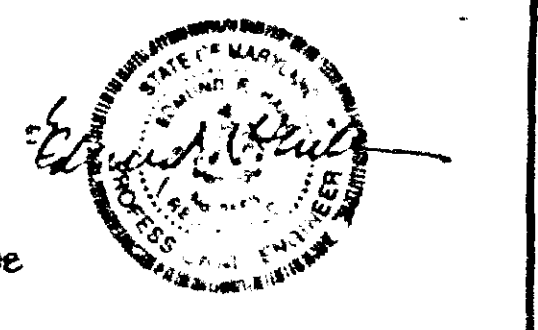
P/O NE HA 1932 ZONING MAP
1"=200'

NICHOLAS B MANSIONS
5510/380
4.5 AC VACANT DRE-5

- REQUIREMENTS FOR THE PROPOSED LOT SIZES
- The lot area shall be at least 10,000 square feet.
 - The lot width shall be at least 100 feet.
 - The lot depth shall be at least 100 feet.
 - The lot shall be rectangular or substantially rectangular.
 - The lot shall be free of any encumbrances.
 - The lot shall be free of any liens.
 - The lot shall be free of any other claims.
 - The lot shall be free of any other interests.
 - The lot shall be free of any other claims.
 - The lot shall be free of any other interests.

PROPOSED LOT SIZES
PARCELS A & B: 150' x 100' (15,000 SF)
PARCELS C & D: 150' x 100' (15,000 SF)
PARCELS E & F: 150' x 100' (15,000 SF)
PARCELS G & H: 150' x 100' (15,000 SF)
PARCELS I & J: 150' x 100' (15,000 SF)
PARCELS K & L: 150' x 100' (15,000 SF)
PARCELS M & N: 150' x 100' (15,000 SF)
PARCELS O & P: 150' x 100' (15,000 SF)
PARCELS Q & R: 150' x 100' (15,000 SF)
PARCELS S & T: 150' x 100' (15,000 SF)
PARCELS U & V: 150' x 100' (15,000 SF)
PARCELS W & X: 150' x 100' (15,000 SF)
PARCELS Y & Z: 150' x 100' (15,000 SF)

PRINTED
OCT 24 1994
DAFF-MACQUE-WALKER, INC.



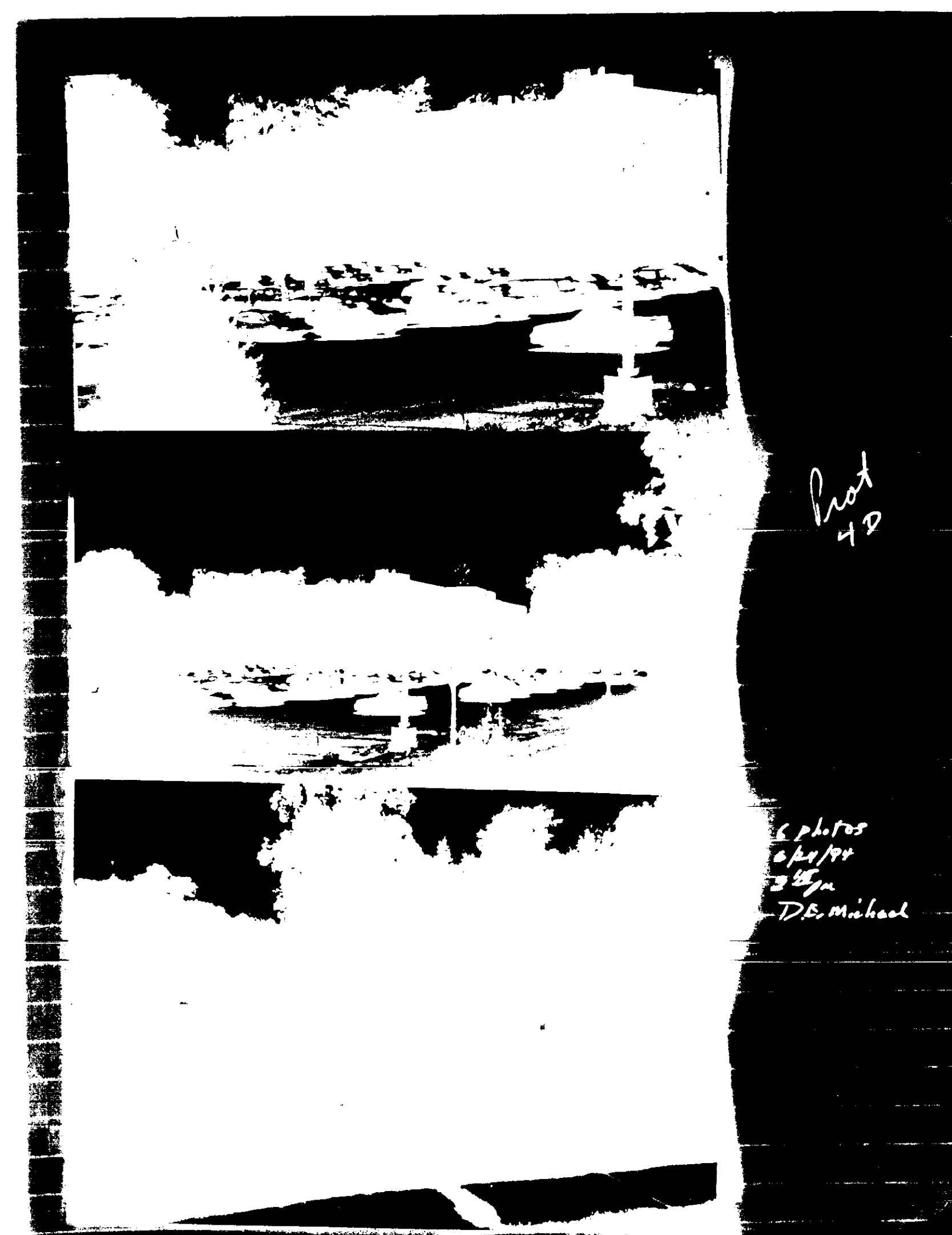
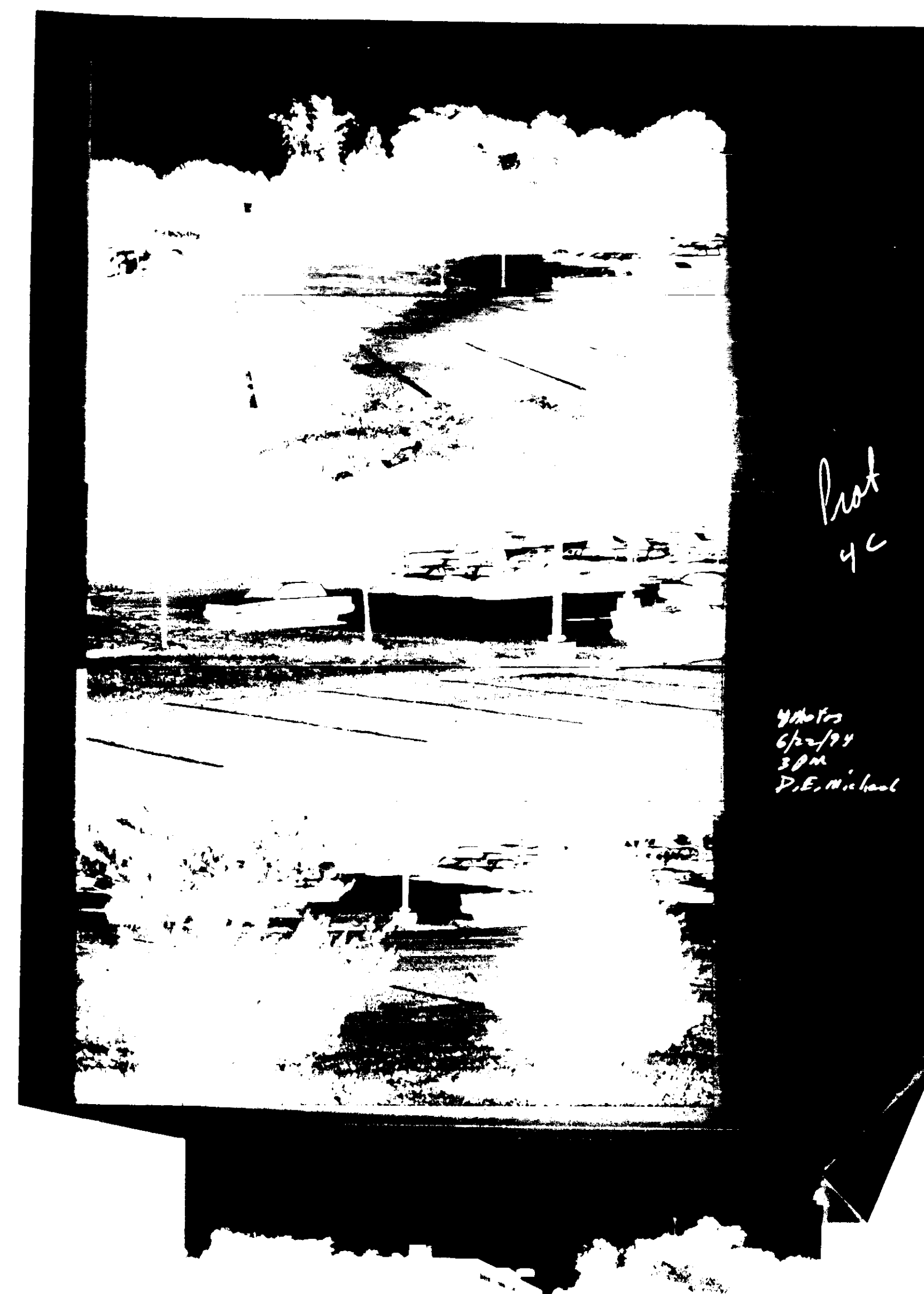
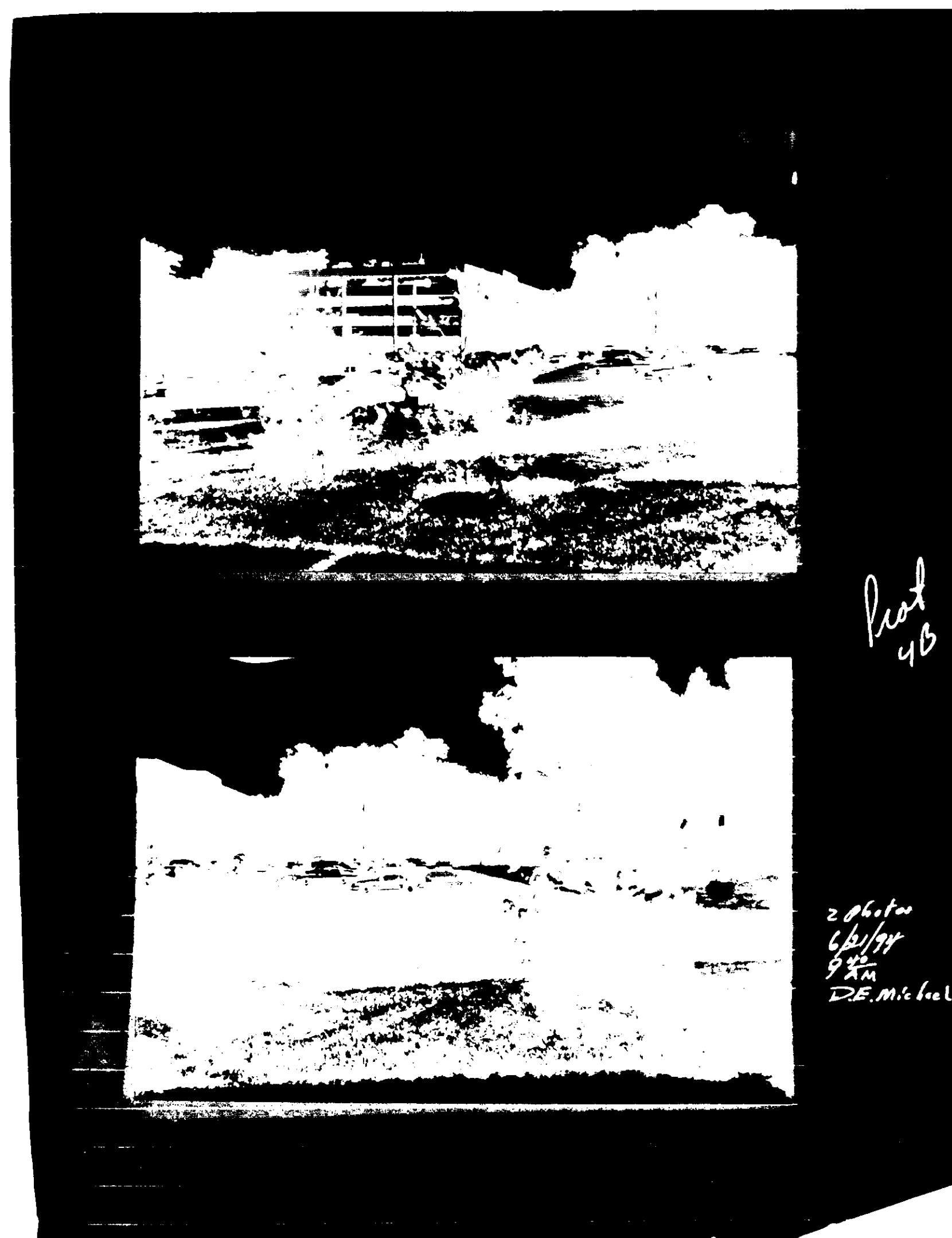
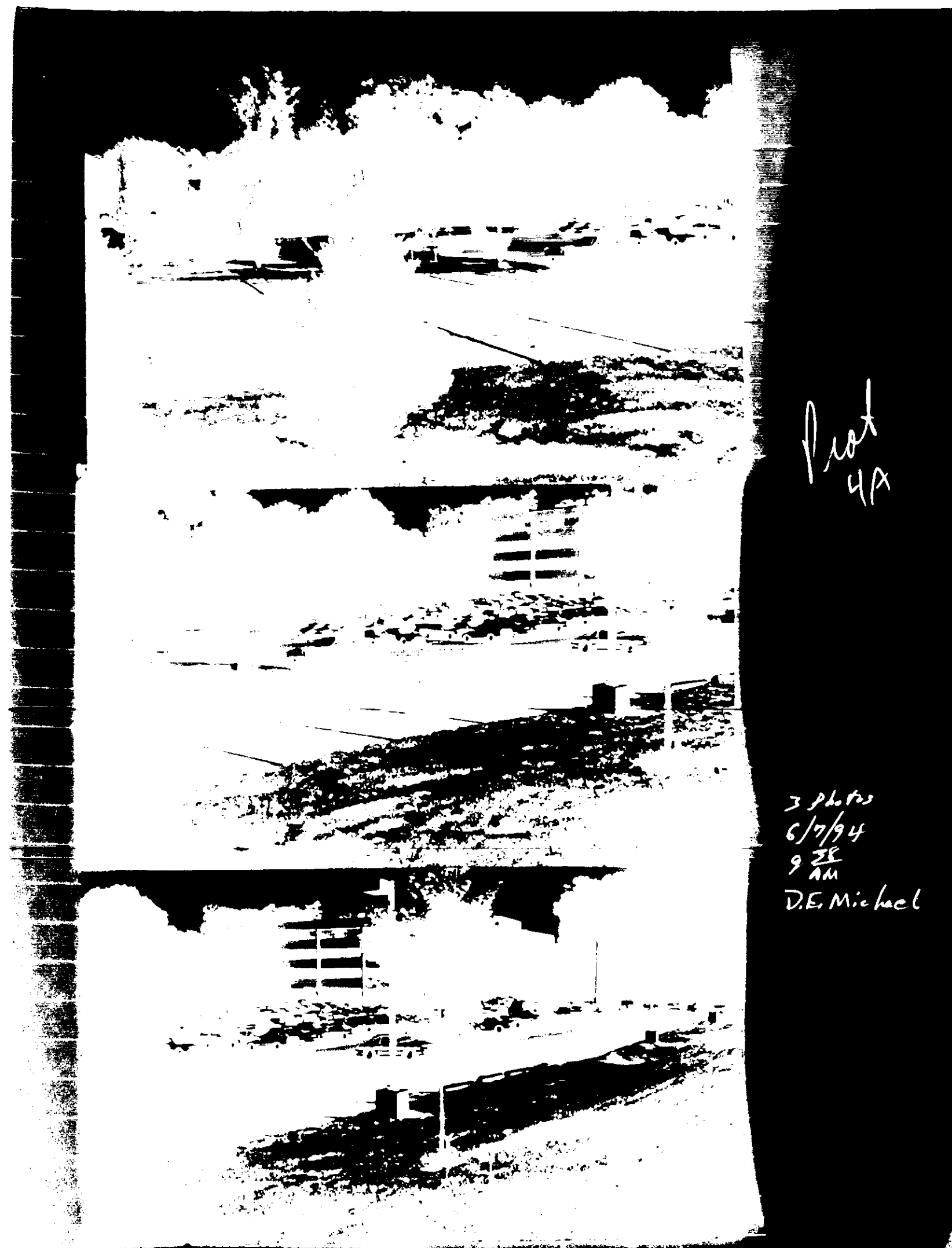
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 255-8120

NOTE: ALL OFF-ROAD DRIVEWAYS AND
WALKWAYS SHALL BE CONSTRUCTED
AND MAINTAINED BY THE OWNER.
REASON FOR AMENDMENT 10/25/94: Eliminate parking
on Parcel F and temporary entrance onto Tenbury Road.
Add entrance road onto Greenridge Rd.

SCALE: 1"=30'
DATE: 12/18/90
DWG REV: 5/10/92
DWG REV: 10/23/94

ELECTION DISTRICT 9 BALTO CO.
P.N. 5132
DMN Proj. #94021

OWNERS:
NICHOLAS B AND MARY MANSIONS
AND
CHARLES W AND HARRIET WELLS
1205 YORK ROAD
OWSON, MARYLAND 21204



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

1205 York Road
Towson, MD 21204

April 30, 1992

(410) 887-3353

Photo 5

Re: Case No. C-92-1296
Case No. 87-335 SPH
1205 York Road
9th Election District

Dear Mr. Tanczyn:

With regard to the issue of the outstanding zoning violations at 1205 York Road, this office has gone to the extent to utilize Article V - Development Regulations, Section 26-100 of the Baltimore County Code, against York Road Associates/Nicholas B. Mangione, et al. This means that no future plans or permits will be processed for any proposed development owned by them or those they have an interest in until the violations existing at 1205 York Road are resolved.

Furthermore, we have requested that the Office of Law file contempt proceedings in the Circuit Court of Maryland, Baltimore County, against Nicholas B. Mangione, et al. for failure to comply with the Honorable A. Owen Henningson's decision that upheld the Baltimore County Court of Appeals decision.

If additional questions remain, please contact Inspector Timothy L. Fitts at 887-3351.

Sincerely,
James H. Thompson
Zoning Enforcement Coordinator

JHT/cmm
cc: Inspector Timothy L. Fitts
File

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Tenbury Road, 171 ft. W of * ZONING COMMISSIONER
c/l of Ridgefield Road *
1205 York Rd. & 3 Greenridge Rd. * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District *
Nicholas B. Mangione, et al * Case No. 94-466-SPH
Petitioners

RULING ON MOTION FOR RECONSIDERATION

The above captioned matter comes before the Zoning Commissioner on a Motion for Reconsideration filed by the Petitioners, Nicholas B. Mangione, et al, to the opinion and Order rendered by this Zoning Commissioner on August 10, 1994. At that time, certain Findings of Fact and Conclusions of Law were made by this Commissioner as to a Petition for Special Hearing which had been filed by the Petitioners for their property located at 1205 York Road and 3 Greenridge Road in Lutherville. Within that Order, requested permission for a temporary access to Tenbury Road from the parking lot on the subject property was denied, as was a request to permit off street parking in a residential zone on parcel E. However, special hearing relief was granted to allow permanent access from parcel E to Greenridge Road.

Following the issuance of that Order, the Petitioners filed a Motion for Reconsideration requesting clarification of the Order. Specifically, they sought approval of the schematic layout of the proposed access aisleway which will lead from Parcel E to Greenridge Road. A written response was received from the Protestants who participated in this matter to the Motion for Reconsideration and, thus, the case was scheduled for rehearing.

Appearing at that rehearing, on behalf of the Petitioners, was Louis Mangione, one of the property owners. Also present on behalf of the Petition was Ed Haile from Daft, McCune and Walker, the engineers who prepared the site plan. The Petitioners were represented by Joseph C. LaVerghetta,

Esquire. Appearing in opposition to the request was Barbara Poniatowski on behalf of Dulaney Village Improvement Association. She and that association were represented by Michael P. Tanczyn, Esquire.

Let it be noted at the onset that the Motion for Reconsideration is limited in scope. Except as expressly amended herein, the provisions of my Order of August 10, 1994 shall be reincorporated and readopted herein. The entire question set forth in the Motion for Reconsideration is the configuration and location of the aisleway which will connect the parking lot on the subject site to Greenridge Road.

As noted in my prior opinion and Order, the Petitioners believe that another means of ingress and egress to the office building thereon, and known as 1205 York Road, is desirable. Presently, the only vehicular access to the site is directly from York Road. Testimony was presented that traffic is congested at this location along York Road and that a second access to the site from Greenridge Road is preferable. This will allow traffic to enter and exit the site from the intersection of Greenridge and York Roads, which is signalized.

At the hearing on the Motion for Reconsideration, testimony was received from Ed Haile, who submitted a revised site plan marked as Petitioners' Exhibit No. 1 (Reconsideration hearing). That revised site plan shows the access road from the lot to Greenridge Road to be located on the western side of the site near or parallel to Tenbury Road. The access road will then be curved so as to connect to Greenridge Road at the existing curb cut. This 45 degree angling of the road will discourage traffic from turning into the residential community known as Dulaney Village; a result which all believe is inappropriate.

-2-

Testimony elicited from Mr. Haile on both direct and cross examination was convincing that the site plan, as submitted, is appropriate. I am particularly concerned about traffic exiting the site and turning right (west) into the residential community. Although the actions of automobile drivers are sometimes without logic or reason, the proposed roadway design, as shown on the site plan, appears to be the best method to prohibit right turns into the community. Moreover, as Mr. Haile noted, construction of the road, as proposed, will entail less regrading and disturbance of the site.

Through cross examination, Mr. Tanczyn raised several concerns regarding the location of the road on the west side of the property, near the residential community to the rear. Although appreciative of these sentiments, it is to be noted that Mr. Mangione also owns the sizeable property across Tenbury Road from the parking lot and proposed access. Thus, the Petitioner, himself, will be the most affected neighbor. Therefore, based upon the testimony and evidence presented, I am persuaded to amend the relief previously ordered and approve the amended site plan. I shall also readopt and reincorporate those restrictions contained within the County Board of Appeals' Order previously passed in this case. Those restrictions, which are referenced on the site plan and attached hereto, require landscaping and buffering of the parking lot so as to shield the lot and activity thereon from the residential areas nearby. Submission of a landscape plan to the County Landscape Architect for approval seems appropriate in this instance.

Pursuant to the advertisement, posting of the property, and public hearing on this Motion for Reconsideration held, and for the reasons given above, the relief requested should be granted.

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of November, 1994 that, pursuant to the Petition for Special Hearing, the design of the access road from the parking area on Parcel D to Greenridge Road be and is hereby APPROVED, in accordance with Petitioners' Exhibit No. 1, (Reconsideration hearing), subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. All restrictions in prior zoning decisions by this office and the County Board of Appeals shall remain in full force and effect except as expressly amended herein.
3. The Petitioners shall submit a landscape plan for approval to the County's Landscape Architect so as to provide an adequate and consistent buffering on the western side of this property, specifically including the proposed access road.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 11/29/94
By Sh. Throck

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Thereafter, the Protestants appealed that decision to the Board of Appeals of Baltimore County. The Board similarly concluded that, notwithstanding the objections of Protestants, denial of the requested permit "would do nothing to alleviate the problems now associated with overflow parking. The parcels of D.R. 5.5 land are not parcels that are very apt to be residentially developed. The Board can find no benefit by the denial of this Petition to the community or to the County given the office use as it now exists." The Board's order granting the permit was subject to the following restrictions:

1. All parking spaces and their access aisles are subject to compliance with RTA requirements.
2. Areas to be utilized for parking spaces and access aisles shall not be expanded beyond the areas shown on Petitioner's Exhibit No. 7.
3. The RTA buffers on the south and east sides of Parcel C shall be a minimum of 75 feet wide from the property line to the parking lot. The guard rail on the west side of Tenbury Road shall be replaced and the steps from Parcel C to Tenbury Road removed.
4. A 10-foot buffer on the entire east side of Parcel D shall be heavily landscaped.
5. An 8-foot buffer on the entire north side of Parcels B and D in the D.R. 5.5 zoning shall be heavily landscaped.
6. The internal traffic patterns for parking on Parcels B, C and D shall be approved by the Bureau of Traffic Engineering and such written approval indicated on the approved plan.

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 23, 1994

Joseph C. LaVerghetta, Esquire
1205 York Road, Suite 39C
Lutherville, Maryland 21093

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Ruling on Motion for Reconsideration
Nicholas B. Mangione, et al, Petitioners
Case No. 92-466-SPH

Gentlemen:

Enclosed please find a copy of my Ruling on Motion for Reconsideration rendered in the above captioned matter.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.
cc: Mr. Louis B. Mangione
cc: Mr. Barbara Poniatowski

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Tenbury Road, 171 ft. W of * ZONING COMMISSIONER
c/l of Ridgefield Road *
1205 York Rd. & 3 Greenridge Rd. * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District *
Nicholas B. Mangione, et al * Case No. 94-466-SPH
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1205 York Road and 3 Greenridge Road in the Lutherville section of Baltimore County. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to allow an amendment to the approved plan in case No. 87-335-SPH dated 11/2/88 to allow for temporary access to Tenbury Road from Parcel D; to allow permanent access from Parcel E to Greenridge Road; and to permit off street parking in a residential zone on Parcel E. The subject relief and property are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Louis Mangione, one of the property owners. Also present was Ed Haile and Jean Tansey from Daft, McCune and Walker and Glenn Cook, a traffic expert from The Traffic Group. The Petitioner was represented by Joseph C. LaVerghetta, Esquire. Appearing in opposition to the request were several neighbors of the surrounding locale known as Dulaney Village. They included Henry Bets, John R. and Margaret C. McDonnell, and Megan and Leland Strott. Cheryl Malone, President of the Dulaney Valley Improvement Association also appeared. The Protestants were represented by Michael P. Tanczyn, Esquire.

Mr. Mangione testified and presented the plan. He described the property, which is roughly "L" shaped and is approximately 4.34 acres in area. The property is comprised of 5 identifiable parcels, labeled A thru E on the site plan. The front of the site contains Parcel A and faces York Road from which vehicular access is obtained. From this York Road frontage, the property then extends easterly towards Tenbury Road and the residential community of Dulaney Village. Presently, there is no vehicular access from the site to Tenbury Road. Moreover, the rear of the property extends along Tenbury Road to Greenridge Road which intersects York Road just south of the Heaver Plaza. There is no present vehicular access to the site from Greenridge Road. The subject property is split zoned 0.1 and D.R.5.5. Parcel A, which is the largest individual parcel at 1.64 acres, is zoned 0.1 and contains a 72,000 sq. ft. office building. This building is known as 1205 York Road and has been in existence for many years. Some of the remaining portions of the property are utilized for parking and the balance is undeveloped.

Mr. Mangione also discussed the ownership of the subject property and 5 parcels which comprise same. Although in different names, the property is owned by various members of the Mangione family, including Louis Mangione's siblings and parents.

Mr. Mangione also discussed in detail the York Road near the frontage of this site. At this location, York Road contains seven lanes, three northbound, three southbound and a center lane from which left turns may be made in either direction. The curb lanes, both northbound and southbound provide ingress and egress to the Baltimore Beltway (I-695), which is located a short distance to the south. Mr. Mangione testified that traffic has significantly increased along the York Road since the prior order was issued in this case in 1988.

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